MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS

ON THE

AFFAIRS

OF

THE EAST-INDIA COMPANY,

FEB. 14th to JULY 27th, 1832.

I.

Public.

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JAN. 1833.

LIST OF WITNESSES.

MINUTES OF EVIDENCE.

Martis, 14° die Februarii, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

I.
PUBLIC
or
MISCELLANEOUS.

14 February 1832.

Peter Auber, Esq.

PETER AUBER, Esq., called in, and examined.

1. DURING how many years have you been in the Civil Service of the Company at the India House, and what situations have you filled there?—I have been 27 years in the service of the Company. I have filled the situation of an established clerk in the Secretary's-office, the situation of Assistant Secretary, and the situation of Secretary.

2. You are also the author of a work called an Analysis of Indian Government?—Yes.

3. You are therefore conversant with the constitution of the different branches of the Indian Government, both at home and abroad?—I have, I believe, a general knowledge with regard to the constitution of the present system of government, both at home and abroad.

4. State what are the different constituted authorities that compose the home government?—The Court of Proprietors, the Court of Directors, and the Board of Commissioners for the Affairs of India.

5. Will you first describe what was the system before any Parliamentary provision was made for governing India, or regulating the Court of Proprietors or Directors?—The East-India Company was originally incorporated under the charter of Elizabeth, in the year 1600, and from that period they continued until the year 1698; that is, the *London Company*. In 1698 the necessities of the State induced Parliament to authorize King William, by the Act of the 9 & 10 Will. 3, to incorporate another company, called the *English Company*. It was found, after a very few years, that the collision of the two Companies was such that the King himself recommended a negotiation for an agreement to unite the two. In the course of the measures adopted for that purpose, a deed of conveyance was made from the Old Company, of their dead stock, to the New Company in 1702, and an award was made by Lord Godolphin. Amongst the property which was transferred from the London Company to the United Company, were those possessions which the East-India Company possess in fee-simple in their own right; such as the islands of Bombay and St. Helena, and various factories, forts, and settlements, including Fort William, with the large territory connected with it, and also

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Fort St. George. The charter of 1698 is the foundation of the present privileges possessed by the United East-India Company. The Company continued to act under this charter, and there was no other legislative provision of importance until the Act which was passed in the 27th of George the 2d, which in fact was the Mutiny Act, for punishing mutiny and desertion in the Company's troops. At the close of that Act there was a provision, declaring that the parties who committed offences in India were liable to be prosecuted in the King's Bench in England; that was the only provision I believe which existed until the year 1765, when the Company acquired what is termed the Dewanny, or revenues of Bengal, Behar and Orissa. The Court of Proprietors, in consequence of those acquisitions, and contrary to the advice and opinion of the Court of Directors, resolved to increase the dividends to a very considerable extent. It led to Parliament passing a legislative provision, limiting the dividends to a certain rate. In the year 1773, Parliament itself instituted an inquiry into the Affairs of the East-India Company. They considered that the wars that had been carried on in India, and the want of control by the Company over their servants, imperatively called for some legislative interposition, to put a stop to the abuses which then prevailed. In the Court of Proprietors, anterior to the Act of 13 Geo. 3, each individual possessing 500*l.* stock (I believe no matter for what period) was entitled to vote, or it might have been limited previously to six months, but in 1773 it was extended to twelve months; by the Act the 13 Geo. 3, the individual must have held his stock 12 months before he could vote at a General Court. A proprietor holding 1,000*l.* stock had one vote; 3,000*l.* stock, two votes; 6,000*l.* stock, three votes, and holding 10,000*l.* stock, four votes. There were previous limits with regard to the period at which ballots could be called. Such was the state with reference to the proprietors of East-India stock in 1773. The Court of Directors consisted of 24 members, as ordained by the charter of William, each director was required to possess 2,000*l.* stock. As they were then elected annually, it was considered that a liability to be removed in one year from the direction, did not give them sufficient power, authority or permanency in their situation; it was therefore ordained that they should be elected for four years in future. They were required by the Act of the 13 Geo. 3, for the first time, to put His Majesty's Ministers in possession of all the advices received from India relative to the revenue, and the civil and military government of the Indian empire. That Act named the Governor General and Council, and the Court of Directors had no power of nominating either the Governor General or any member of Council. In order to place a barrier against the restoration of servants who had been guilty of malversation or oppression, the Court of Directors were restrained from compounding sentences of the Supreme Court, or of any courts, nor were they permitted to restore any servant without the consent of three parts in four of the Court of Directors; and the same with regard to the proprietors. Various other provisions were contained in the Act. Such was the situation in which the Court of Directors stood in the year 1773. In the year 1781 the Court were required to send copies of all the despatches which they proposed to send to India, to one of His Majesty's Secretaries of State, and to the Lords of the Treasury. In 1784 the next important change took place, by the institution of the Board of Commissioners. Six Privy Councillors were appointed, of whom one was to

to be the Secretary of State, and one the Chancellor of the Exchequer, and three members were to form a Board, who were to superintend, direct and control all acts, operations or concerns which at all related to the civil or military government or revenues of India. The Board were authorized to have access to all papers and copies of such as they might require from the Court of Directors. The Board were likewise to have copies of all minutes of the proceedings of General Courts of Proprietors and Court of Directors, and of all despatches received from India relating to the civil or military government and revenues, and of all letters from their several agents at Bussora, Bagdad and Aleppo. All despatches proposed to be sent by the Court of Directors to their governments abroad, in any way relating to the civil or military government and revenues, were to be transmitted to the Board, who had the power of altering or amending the same. The Board were required to return the drafts so altered or approved within the period of 14 days. In the event of any of those despatches being returned altered upon points which the Court of Directors might think did not relate to the revenues or the civil or military government, they were authorized to make representations thereon to the Board of Commissioners. I should have stated that the Board were required to inform the Court of the reasons at large which had induced them to make such alterations. The Board were likewise invested with the power of requiring the Court of Directors to frame a despatch upon any subject connected with the civil and military government or revenues in India; and in the event of the same not being framed within 14 days, the Board might send to the Directors a despatch to that effect. It was likewise ordained that there should be a Secret Committee appointed by the Court of Directors, to whom the Board, when they were of opinion that the matter required secrecy, such as relating to the levying of war or making of peace, or treating or negotiating with any native princes or states in India, might send orders and instructions; and the Secret Committee were to forward such orders, in the form of despatches, to India, without disclosing the same. It was specially provided in the Act of 1784, that the Board were not in any way to interfere in the nomination or appointment of any of the servants of the Company at home or abroad. His Majesty, under his sign manual, might recal any servant; so might the Court of Directors. When His Majesty was pleased to recal any servant, a duplicate of the instrument was to be delivered or transmitted to the Chairman and Deputy Chairman of the East-India Company by the Secretary of State. Vacancies in India were to be filled by the Court of Directors from the covenanted civil servants, excepting the office of Governor General and Governors, if the Court saw fit to appoint any other parties. In the event of a vacancy occurring in the government in India, and the Directors not appointing to it within two months after knowing the same, His Majesty was authorized to nominate, and in that case, the power that the Court previously possessed of recal could not be then exercised by them. The Court of Directors were likewise authorized to appoint members of Council provisionally to succeed, in the event of any vacancy; and they might revoke the same. No salary was to be received by the party so appointed until he took upon himself office. When the Council was reduced to two, and no provisional member appointed, then the senior civil servant on the spot was to be called in. It was provided, that after the passing of the Act

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the orders of the Court of Directors, when approved by the Board, were not to be revoked by the Court of Proprietors. All the Company's establishments abroad were to be taken into consideration by the Court of Directors, with the view of making such retrenchments as might appear expedient; and a statement of all the servants and establishments, with their places and employments, were to be laid annually before Parliament. The Court of Directors were limited in sending out any servants as writers or cadets, other than were necessary to keep up the proper establishment. The promotion of the servants, in their respective lines, was prescribed by the Act of Parliament; and it was likewise ordained that the Company's servants, when dismissed by competent courts, could not then be restored. In 1786 the members of the Secret Committee were to be sworn, and all parties employed by them were likewise to be sworn. In that year there was likewise a further regulation for the trial in England of offences committed in India. In 1788 an Act was passed, on a point of right disputed by the Court of Directors, authorizing the Board of Commissioners to defray, out of the revenues of India, the charges on account of the King's forces, to the extent of 12,200 men; at the same time it was specially ordained that the Board of Commissioners should not give any order for an increase of salary or allowances, or for any extraordinary allowance to any individual, otherwise than as proposed by the Court of Directors. The Board were also restricted from granting any gratuity. Annual accounts of the Indian revenues were to be laid before Parliament 14 days after their meeting. That closes the second period with regard to the home authorities. In 1793 most of the various provisions contained in the former Acts were re-enacted; a President of the Board of Commissioners was appointed. No action was to be stayed by the Court of Directors without the sanction of the Board. The application of the surplus revenues in India, and of home profits, was prescribed under that Act. No grant of salary above 200 *l.*, made by the Court of Directors, was valid, without being confirmed by the Board of Commissioners. The next important measure was the Act of 1813, which provided for a separation of the territorial and commercial branches of the Company's affairs. No duties imposed in India were valid until approved by the Board of Commissioners. All applications from parties for permission to proceed to India were to be made, in the first instance, to the Court of Directors; and if refused by the Court, they were to be sent to the Board within one month of their receipt by the Court, accompanied with any representation respecting such application. The Board of Commissioners might order a certificate for such parties to proceed, if they saw fit. The regulations for the college at Haileybury for the education of the civil servants, and the military seminary at Addiscombe, were subject to the approval of the Board. It was likewise ordained that the college and seminary should be maintained during the present term of the Company's exclusive privileges. One lac out of any surplus territorial revenue was set apart for the improvement and education of the natives. The appropriation of the revenues was particularly defined and laid down. The home profits were not liable to territorial charges until the dividend was provided for. When the debt in India was reduced to 10,000,000 *l.*, and the bond debt to 3,000,000 *l.*, a guarantee fund of 12,000,000 *l.* might be framed as a security for the capital stock of the proprietors. It was, as already stated, under this Act that the separation of the commercial and territorial

territorial accounts took place; and no despatch, as to the application of revenue to commercial purposes, was to be sent to India until approved by the Board. The Board, instead of being required to send back despatches transmitted for their approval, in 14 days, might retain the same two months. All questions in the Court of Directors put by ballot, where the votes were equal, had, under the charter, been decided by the lot of the Treasurer; by the Act of the 53 Geo. 3, the question, on which the votes were in future equal, was declared to be lost, except in the case of two or more candidates for office. The vacancies of Governor General, Governors and Commanders-in-Chief, were subjected to the approval of the King. The Court had reserved to them the privilege of appointing their advocates-general, advocates, attornies and chaplains, without the approbation of the Board, and likewise masters-attendant. The restoration of suspended servants was made subject to the approbation of the Board. The Act that had previously limited the return of the military officers to a period within five years, was now extended to allow general officers and lieutenant-colonels commandant to return, although they had been absent five years from India. The restored civil servants, who might have been absent from India any number of years, were, under the former Act, permitted to take the rank which they would have possessed had they remained in India; but by the Act of 1813, the individual so restored takes rank only according to the period when he departed from India. The former Act required that their servants should be appointed and take rank according to seniority of appointment; the Act of the 53d provided that they might be appointed to boards, &c. without taking rank according to seniority of appointment to the service. No gratuity of above 600 *l.*, granted by the Company, was valid, unless confirmed by the Board. Copies of all grants of money by the Court of Directors were required to be laid before Parliament. A certain sum for passage-money was given to Governors General and Commanders-in-Chief, and other functionaries, on their departure from England, for outfit, in lieu of their drawing their salary from the time of their appointment in this country. The payment on account of King's troops was not to exceed 20,000 men. The power of granting superannuation to their servants was conferred upon the Board and the Court of Directors; the accounts of such superannuations were to be laid before Parliament. British subjects were made liable to the local civil judicatures. Such is a general outline of the Acts regarding the home system.

6. Will you state what are the functions actually exercised by the Court of Proprietors?—The Court of Proprietors elect the Directors, and declare the dividends; all grants of money beyond 600 *l.* are submitted to their approval by the Court of Directors; they make bye-laws for the regulation of the Company, which laws are binding upon the Company where no Act of Parliament exists to the contrary. It is hardly possible to define exactly what the powers of the General Court are. Those powers, as has been before stated, were limited by the Act of 1784, in consequence of their having interfered with regard to various measures connected with the government of India, as proposed by the Court of Directors; and more particularly with regard to the prosecution of servants and others for malversation and corrupt practices abroad. Their powers are also considerably limited by the Act which provides that no measures adopted by the Court of Directors, and approved by the Board,

Board, can be revoked or altered by the Court of Proprietors; at the same time there is no limit that I am aware of which prevents the Court of Proprietors from discussing any matters relating to the Company: they would be guided, it is presumed, in the exercise of those powers by the knowledge that what they might resolve upon, if not in accordance with the views of the Court of Directors and the Board of Commissioners, would be rendered nugatory and ineffectual; it would, in fact, be impossible to carry on the general affairs of the Company if the proprietors were authorized to interfere as formerly. The Court of Proprietors have the power, under the charter, of calling upon the Court of Directors to summon a Special General Court upon the requisition of nine proprietors, who are qualified to vote, or each possessed of 1,000 *l.* stock. I am not aware of any other particular privilege that appertains to them.

7. In point of fact, the Act of 1793 specially vested in the Court of Directors and the Board of Commissioners the administration of all matters relating to the civil or military government or revenues of India?—The Act of 1793 was a repetition, in a great measure, of the provisions that existed under the Act of 1784; that was the original Act that invested the Board with the power of controlling the affairs of the Company on certain defined points.

8. You state there is nothing to prevent the Court of Proprietors from discussing any measure of the Court of Directors; but in point of fact they are, as the law now stands, precluded from any control, except in the instance of a grant of money exceeding 600 *l.*?—Yes, except in making bye-laws for the control of the Court of Directors.

9. Have they, subsequent to the renewal of the charter in 1813, in point of fact, been in the habit of making bye-laws?—They have made bye-laws, and among them one which ordains that all proceedings in Parliament connected with the interests of the East-India Company should be submitted to them by the Court of Directors before the same are passed into a law, and others as to grants of money.

10. What are the qualifications now necessary to give a vote, and how many of the proprietors are there qualified to vote?—The qualification necessary to give a proprietor a vote is possessing 1,000 *l.* stock, and that stock he must have held a twelvemonth. No minor is qualified to vote.

11. What other exceptions are there?—I am not aware of any other. Females may vote.

12. What is the number of proprietors entitled to vote?—The total number of proprietors entitled to vote at the present time is 1,976, of which there are 54 who have four votes, 50 who have three, 370 who have two, and 1,502 who have one vote. The number of proprietors who possess stock enough to qualify them to vote, but have not held that stock a sufficient time, are three of four votes, 12 of three votes, 39 of two votes, and 132 of one vote. Then there is the privilege belonging to the proprietors who hold 500 *l.* stock, of speaking in the General Court, but not of voting; of those there are 221. There are also 396 who hold stock under 500 *l.*; and there are 165 accounts in the names of foreigners. There are seven proprietors who hold more than 10,000 *l.* stock. The total number of accounts is 3,579.

13. Can aliens vote?—I do not feel competent to answer that question.

14. The

14. The proprietors are not allowed to vote by proxy?—Clearly not.

15. Are you aware that corporations can vote under their seal?—I am not.

16. Can you state what number of proprietors are resident in and about the metropolis?—I do not believe it is possible to acquire any accurate information upon that point.

17. You have stated that the Court of Proprietors have the power of controlling any grant of money exceeding 600*l.*?—Yes.

18. Can they make grants of money themselves irrespective of the Court of Directors?—They can propose grants of themselves; and it was an extraordinary circumstance, that in the Act of the 53 Geo. 3, any grant made by the Court of Proprietors did not appear to be subject to confirmation by the Board of Commissioners, and the Act of the 55th was consequently brought in to remedy that defect. No grant whatever that may be made by the Court of Proprietors, exceeding 600*l.*, is valid or effectual, unless confirmed by the Board of Commissioners.

19. You have stated that the Court of Proprietors declare the dividend; since the passing of the Act in 1793, the dividend has always been declared at the maximum prescribed by that Act, of 10½ per cent.?—Yes.

20. The declaration of the dividend has therefore become a mere matter of form in the Court of Proprietors?—If any increase was to take place, it must be done by ballot. The Court of Directors come to a resolution, which they communicate to the Court of Proprietors, recommending what the dividend should be; the Court having previously ascertained the means of the Company to grant that dividend.

21. When you speak of the means of the Company to grant the dividend, are the Committee to understand that the dividend is declared with reference to the state of the commercial profits of the Company?—Clearly.

22. Do you mean to say that the commercial profits have, in every succeeding year since 1793, been in a state to justify, as commercial profits, a dividend of 10½ per cent.?—I have no reason to doubt that since 1793, the commercial means of the Company have been fully adequate to meet the dividend; but I can answer positively from 1813, when a separation of the accounts took place, to the present time, that no dividend whatever has been proposed until the Committee of Treasury, who manage the financial concerns of the Company, have had before them a full and clear account of what the Company's means and profits are.

23. The Court of Proprietors are precluded from revoking, suspending or varying any order of the Court of Directors, touching the civil or military government of India, or the administration of the revenues, after the same shall have received the approbation of the Board of Commissioners?—Clearly.

24. Has the Court of Proprietors any means of knowing what orders or resolutions have been passed by the Court of Directors upon any given subject, before they have been sanctioned by the Commissioners?—Certainly not.

25. The proprietors then are in fact virtually precluded from all substantial interference in the affairs of the Company?—Yes, certainly; and the inconvenience that arose from their interference led to that exclusion.

26. What number of persons, qualified as proprietors, appear to be retired civil or military servants of the Company?—I do not believe it would be possible to ascertain that point.

27. Will

27. Will you be good enough to proceed to state what is the constitution of the Court of Directors, and what are the functions actually exercised by them?—The Court of Directors consists of 24 proprietors, who are elected under the Act of 1773. Under the charter, 13 of those Directors form a Court, and they conduct the whole administration of the affairs of India, both at home and abroad, subject, upon certain points, to the control and authority of the Board of Commissioners and Court of Proprietors.

28. What number of individuals are there among the Directors of the East-India Company, being retired civil or military servants of the Company, or retired commanders of ships?—Three Directors have been private merchants in India, two of whom had previously been in the civil service of the Company; seven have been civil servants in India; four have been military servants; three have been in the maritime service, not abroad, but the freighted service; one was a barrister at Calcutta; three are merchants; one a banker, and two private gentlemen. Of the six Directors out by rotation, two were in the maritime service, two are bankers, and two merchants.

29. Of those 30 gentlemen could you state what number have had any practical knowledge of India, by having been in India?—Twenty.

30. Into how many committees are the Directors divided for the transaction of their business?—There are three principal committees; one called the Committee of Correspondence, the other the Committee of Buying and Warehouses, and the third class the Committee of Shipping.

31. Of whom does the Committee of Correspondence consist?—Of the nine senior members, with the chairman and deputy chairman, making eleven.

32. In what manner is the appointment of the several Directors to committees regulated?—In the month of April annually, after the general election, the bye-laws ordain that a Chairman and Deputy shall be chosen by the Court of Directors; and when the Chairman and Deputy Chairman are chosen, the Court assembled appoint the several committees; the Chairman proposing from the chair the several members of the committees.

33. State what departments come within the province of the Committee of Correspondence, and the other committees?—The Secretary's-office is under the Committee of Correspondence, the Examiner's-office, the Auditor's-office, the Military Secretary's-office, the Military Fund and Recruiting, the Treasury, the College, and what is termed the China Department. The Committee of Buying and Warehouses also comprise the Buying and Warehouse department, the whole of the Warehouse establishment, the Accountant's-office, also what is termed the East-India Wharf, and they form the Military Seminary Committee. The Committee of Shipping comprise the Shipping department, the Master Attendant's office, and the superintendence of the whole of the shipping concerns of the Company.

34. In fact, then, all that relates to the territorial business of the government of India is comprised in the Committee of Correspondence?—All that relates to the preparation of despatches for India generally; there are despatches prepared under the Committee of Buying and Warehouses that relate to the commercial concerns and investments, but the Committee of Correspondence comprises generally the greater part of the Indian correspondence.

35. To

35. To this committee the Directors can only arrive by seniority?—As the members are appointed by seniority to the committees, they can only arrive by gradation at the Committee of Correspondence.

36. Would a retired judicial or military officer be obliged to serve as a matter of course upon the Committee of Buying and Warehouses, or the Committee of Shipping, and in those situations would you consider his services most efficient and useful?—He would undoubtedly be obliged to serve in those committees; but I may be permitted to remark, that each member of the Court of Directors has an opportunity of investigating and becoming acquainted with every matter connected with the Company's concerns, whatever they may be; and perhaps I should be able to explain the matter better if I was to state how the business of the Court of Directors is conducted, which will show that those members, though appointed to other committees, may have and do have full cognizance of what is going forward. With regard to India, every despatch of every sort and kind, be it what it may, whether upon the secret, commercial, or political department, or from the agents abroad, comes in the first instance to the Secretary's-office, and it is laid by the Chairman before the first Court of Directors which meets after its receipt; where a despatch is considered of importance, that despatch is frequently and generally read to the Court at length, and any member of the Court of Directors, after a despatch has been read or laid on the table of the Court, has full power to call for it at any time he pleases. The despatches, when read or laid before the Court, are considered under reference to the Committee of Correspondence, and the several officers whose duty it is to prepare answers to those despatches, take the directions of the Chairs upon the points connected with them. Under those officers there are assistants, who prepare what are termed collections, and those collections embrace the whole matter to which any despatch has reference, whatever it may be. After the despatch or draft is thus prepared and submitted to the Chairs, it is brought before the Committee of Correspondence, and when it is approved by that committee, it is laid before the Court of Directors, where it remains a week or a fortnight, or even a longer period, at the wish of any Director. Thus each Director, when the despatch is first received, has the means of becoming fully acquainted with its contents; and when the reply is laid before the Court of Directors, the members may call for the collections, and make themselves fully masters of the groundwork of the despatch, and of the several subjects connected with it; and so with regard to every other subject that comes before the Court of Directors. Every application to the Court comes in the first instance to the Secretary's-office, whether letter or address from parties in this country, or despatches from India. They are invariably laid before the first Court after their receipt; consequently every member of the Court has full power to call for anything, be it what it may, that is before the Court, except despatches to or from the Secret Committee.

37. With whom does it rest whether a despatch shall be read to the Court or not?—The Chairman points out what he considers of importance.

38. How many years is it on the average before a junior Director arrives at the Committee of Correspondence?—It is hardly possible to define; it is sometimes a very long period, and sometimes very short.

39. It may happen then that a very able and experienced servant may return from India and be elected a Director, and not arrive at the Committee of Correspondence, which is the most important part of the administration of Indian concerns, until he becomes too old for service?—He has the same means in the situation he stands in as a Director of acquiring all the information that a member of the Committee of Correspondence possesses.

40. Do you mean that a member of the Court of Directors has the power to interfere with the proceedings of the Committee of Correspondence?—No; they do not interfere, but they have the means of becoming acquainted with the subjects brought before the committee upon which any ultimate proceeding takes place.

41. To become acquainted with a thing, and to take an active part in it, are two different things?—Undoubtedly they do not take any active part in the deliberations of the committee; but they have the means not only of becoming acquainted with the subjects brought before the committee, but they sometimes move in Court and carry the reversal of the decisions and views which the Committee of Correspondence have adopted with regard to despatches and other matters. Each member has likewise the privilege of entering a dissent upon the minutes of the Court, which dissent is sent to the Board of Commissioners the day after it is so recorded.

42. Can you state to the Committee upon what principle this limitation by the Directors of their own power to avail themselves of the greatest experience and ability that their body will furnish in this most important department, is founded?—The committees, as they stand now, were generally framed in 1785, in order to assimilate their duties with those which it was considered the Court would have to perform in communication with the Board of Commissioners, and from that time to the present it has gone on. I am not aware of any particular principle upon which it has been founded, other than that of seniority enabling every Director to become acquainted with every branch of the Company's affairs.

43. You presume that the number of years that may elapse before arriving at the Committee of Correspondence is a period of probation?—No, I do not consider it by any means a period of probation, because I think an individual Director, if placed upon the Committee of Correspondence, would be perfectly adequate to the performance of the duties; but it is desirable that he should acquire a general knowledge of the whole.

44. Practically, is it the case that a Director, upon his first being appointed a Director, can immediately take an active part, if he chooses it, in the great concerns of the Indian government?—Most unquestionably.

45. Has it been the practice for Directors, at their first becoming so, to take an active part?—Of late years most particularly so.

46. Do you consider that a Director acquires in the Shipping and Buying Committees any knowledge that makes him more fit to be one of the Corresponding Committees when he arrives at it by seniority?—I think he does acquire particular information which makes him more fit; he gains a general knowledge on points touched upon in the correspondence relating to the Company's affairs.

47. You have referred to the mode in which the Chairs are elected annually; is not every gentleman, upon his first admission to the Court of Directors, qualified to be the Chairman, if the Court so think fit?—Certainly.

48. Is

48. Is it not thought desirable that the person who, as you have observed, if Chairman, is on all committees, should have a knowledge of the business of Shipping, and Buying and Warehouses?—I think any gentleman who might be placed by the Court in the situation of Chairman immediately or within a year after his being elected a Director, would scarcely feel himself competent to discharge the multifarious duties which necessarily devolve upon the gentleman filling the Chair.

49. Is that not the reason why the practice of seniority has so long prevailed?—I can conceive no other reason for it.

50. At present six Directors go out annually by rotation?—They do.

51. Do you know upon what principle or in what way that arrangement was made?—It was considered, anterior to 1773, at least so the Parliamentary proceedings state, that there were combinations when the Court of Directors were chosen all at one time, and it was considered that it would be better to break the system, and thus it was resolved that they should be chosen six annually, and that by six going out in rotation, a break would be made so as effectually to alter the whole connexion which had previously existed, and which was considered injurious to the administration of the affairs of the Company.

52. The Directors who go out by rotation are, however, uniformly re-elected at the expiration of the year?—Not uniformly; not necessarily.

53. It has happened that they have uniformly been re-elected?—No, it has not; there have been instances where the Directors have been thrown out.

54. How many exceptions have you known?—I cannot immediately recollect the exact cases.

55. More than one?—Yes.

56. About once in five years?—It may be so.

57. Did those instances of rejection occur upon public grounds?—One certainly did upon public grounds; with regard to the others, I really do not believe that they did.

58. Did you ever know a Director appointed to the Committee of Correspondence within the first year of his election as Director, however qualified he might be for the situation?—Never.

59. Will you state what is the course adopted in preparing answers for despatches from India?—There are officers whose duty it is to prepare answers to the despatches in the political, revenue, judicial, public, military and financial departments. The officer whose duty it is to prepare the answer to a despatch from India, calls upon his assistants to make a collection, which comprises all matters relating to the despatch to be answered. The despatch is answered paragraph by paragraph, according to the principle laid down by the Court and the Board. The officer who prepares the answer, communicates with the Chairs, and takes their direction on points connected with it; when the draft is fully prepared, it is then laid by the Chairman before the Committee of Correspondence.

60. Be good enough to describe its progress to the Board of Commissioners?—I am now speaking as to public proceedings connected with the preparation of the despatch, because previous communications frequently take place between the Chairs and the Board of Commissioners regarding despatches, prior to their being laid before the Committee of Correspondence.

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61. In what shape is the first communication made to the Board of Commissioners?—The first mode in which the communication generally takes place is by what is termed "a previous communication," which communication (to which no one but the President of the Board, the Chairs, and the officer who prepares the despatch, are parties), puts the President in possession of the views of the Chairs, as to any given despatch.

62. Is this previous communication oral or in writing?—Frequently both, but almost invariably in writing also.

63. What follows on alterations being made by the Board in despatches sent up regularly for approval?—The draft having passed through the Court, is signed officially by the secretary to the Court, and sent up in the usual form. If the draft is returned by the Board with alterations, which are made in red ink, by striking out some parts and adding to others, with a letter explanatory of the Board's reasons for the same, the Court are authorized to address to the Board a representation upon such alterations as the Board may make. In the event of the Board not being satisfied with the reasons given by the Court against such alterations, the Board communicate the same by letter to the Court, and at the same time generally desire that the draft may be framed into a despatch, and forwarded to India, agreeably to the provisions of the Act of Parliament.

64. The Act fixes the limit of time within which it is necessary, under such circumstances, that the despatch should be sent off?—No. The Board are required to take such representation into consideration; and their orders, upon so considering it, are final and conclusive on the Court.

65. In the event of the despatch not being sent by the Court, has the Board the power itself of sending out the despatch?—No; the Board having ordered the despatch to be sent out, and the Court of Directors still declining to send out the despatch, in the belief that the Board have exceeded their powers in the alterations which they have made, the Court appeal, by petition, to the King in Council, who decides whether the alterations fall within the province of the Board. If that decision is in the affirmative, a mandamus may be moved for to compel the Court of Directors to sign and forward such despatch.

66. Have differences of opinion arisen from time to time between the Board of Commissioners and the Directors upon the matter of any despatch?—Differences have arisen frequently.

67. Has any instance occurred of resort being had to the extreme measure of a mandamus?—I am only aware of one instance, which was in Major Hart's case; it originated many years ago, and the mandamus was served about 15 years ago.

68. Will you state the circumstances of that case?—Major Hart was an officer employed as commissary of grain under the late Lord Harris, then General Harris, at the siege of Seringapatam, in 1799. During the siege, if I recollect right, there was considerable scarcity of grain; Major Hart shortly afterwards reported that he had in his possession a considerable quantity of private rice; some doubt arose as to the way in which he became possessed of the rice; and the price which he demanded for it was considered to be exorbitant; and his conduct led to his removal from the service. He afterwards made an application to the Government

for

for payment on account of this rice, to a greater extent than the Court had ordered remuneration. The Board of Commissioners thought he was entitled to a larger sum; and the Court, not considering that the Board had authority to order the increased sum to be paid, refused to sign the despatch as altered by the Board. This led to an appeal, on the part of the Court, to the King in Council.

69. What was the result?—The King in Council decided that the Board had the power, and the Board in consequence of that moved for a mandamus, which was served upon the members of the Court individually; the despatch was accordingly signed, but the Court at the same time recorded their protest. The money has never been received by Major Hart, as he or his attornies did not consider that the decision even of the Board of Commissioners, as to reimbursement, amounted to what he justly claimed.

70. The Board of Commissioners for the Affairs of India possess and exercise an absolute control over the subject-matter of the despatches sent out by the Court of Directors to their servants at the several presidencies?—I conceive that the Board of Commissioners exercise the most ample power with regard to all matters over which control is given to them by the Act of Parliament relating to the civil and military government and revenues of India Every despatch is approved by them before it goes to India.

71. What are the powers of the Court of Directors, independent of the control on the part of the Board of Commissioners?—I consider the Court of Directors to possess all appointments of writers and cadets, and assistant surgeons; in fact, all patronage, with the exception of that portion of it which has reference to the appointments of Governors or Commanders-in-Chief. The Court are limited with reference to interfering in any appointment abroad of any individual to any place without the approbation of the Board of Commissioners. After the nomination of an individual as a writer or cadet, and the party shall have proceeded to India, all power of the Court of Directors over such servant in his future promotion or appointment to office ceases, and they only have the power of recommending to appointments, with the consent and concurrence of the Board of Commissioners.

72. In whom rests the power of promotion in India after the civil servants have arrived in that country?—It rests entirely with the Governor General and the Governors in Council of the several presidencies.

73. Will you define what patronage is vested in the Crown, what patronage is vested in the Directors, and what in the Governors and Council of the different presidencies in India?—The patronage that may be considered immediately vested in the Crown is the appointment of officers to the staff, and all officers connected with the King's forces, and all the judges of the King's courts there; but I am not aware that the Crown possesses the power of appointing to any other class of office except the bishop.

74. In whom is the appointment of the Governor General and the Governors of the subordinate presidencies?—The Governors General are appointed in the first instance by the Court of Directors, subject to the approval of His Majesty, and the Commanders-in-Chief the same; but Members of Council the Court of Directors may appoint themselves, without any control whatever.

75. Practically

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75. Practically, is it not the case that the offices of Governor General and of Governors and Commanders-in-Chief are appointed by the Crown?—They are appointed distinctly by the Court of Directors.

76. Has it not, in truth, been the practice that those appointments have been made at the suggestion of the Ministers of the Crown, subject to the negative or control exercised on the part of the Court?—I apprehend that upon selecting a person for the high office of Governor General or Governor of either of the presidencies, it would seem to have been almost a necessary part of the constitution that the Court and the Board should in some measure have communicated previously upon the subject; but the Court of Directors have the clear power of rejecting any one they please, or rather of appointing any one they please, the appointment being subject to the approval of His Majesty.

77. Is it not practically the case that the Court of Directors exercise a sort of veto in extreme cases, but in ordinary cases the nomination of those great officers really resides in the King's Government for the time being?—Without mentioning any names, because no record has been made in instances where matters have come under discussion, names have been proposed by the Chairs, and they have been rejected most decidedly, although the individual proposed to the Court stands in the most high and distinguished situation in this country.

78. Have not those cases rather been exceptions to the general rule, than the rule as it has practically existed for the last many years?—I apprehend the exceptions could hardly be expected to be many, because there would be great hesitation, and there has been great hesitation on the part of the Ministers in naming any individual who might not be considered in a great degree acceptable to the Court of Directors, or to the majority of the Court.

79. The patronage of the Directors then would appear to be confined mainly to the appointment of writers in the civil service, cadets in the military service, and assistant surgeons?—Certainly, with the exception of the masters-attendant, the advocate-general, and chaplain.

80. Would it be possible to form any estimate of the value of such patronage? --I apprehend it would be quite impracticable; what might be valuable to one individual might not be so to another.

81. Their patronage, however, must be small in comparison to that which is exercised in India, and in which neither the Government or the Court of Directors interfere?—Decidedly. There is no civil patronage this year in the Court of Directors. The Governors in India have the whole of the patronage in India.

82. Is there any military patronage this year?—Three cadets to each Director.

83. The reductions now proceeding in India, both in the civil and military branches of the administration, have no doubt materially reduced the home patronage as to writers and cadets?—Most unquestionably one of the reasons that there has been no civil patronage this year has been owing to the reductions in India.

84. There have been periods in which these subjects of patronage have been brought to sale in this country?—Clearly.

85. How

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85. How long since has such practice ceased?—The last case was in the year 1827, when the Court of Directors considered that a sale of patronage had occurred, and took measures for discovering the fact, and brought before the public the whole of the parties whom they thought were in any way concerned in the transaction. I may perhaps state that the Court of Directors were perfectly regardless of any individual, be he who he might, that was supposed to be concerned in that traffic, and one of their own body was among the number whose name had been used; that gentleman was brought to trial with other parties: he was acquitted; the other parties were convicted and imprisoned.

86. Was there at that period a known market price attached to the purchase of a writership and cadetship?—I really believe not.

87. Have you any doubt in your own mind that that practice has of late years been discontinued?—My own impression is, that it decidedly has.

88. Has it been the practice at any period for the Directors to sell their patronage?—Certainly not the avowed practice, neither was it the known practice. That patronage has been sold there can be no doubt, because the records of the public courts and the inquiries of Parliament establish the fact; but every Director was entirely acquitted of being a participator in any way. One Director, who was supposed to have been more or less concerned, was thrown out of the direction in consequence of it a great many years ago.

89. Is the Committee to understand that no person, having a sum of money to purchase patronage of either of the descriptions you have stated, is capable of going into the market and procuring that patronage for his money?—Clearly not.

90. Then upon your evidence the Committee are not to understand that it has been the general practice, but there are exceptions where patronage has been sold? —If any patronage has been sold, it has been entirely without the cognizance of the Court of Directors; that I can state most distinctly and positively, as far as the public or the secret records go. Wherever the Court of Directors had the least conception that any treaty for the purchase of patronage was going on, they have taken every measure they could, privately and secretly, to discover the individuals, in order to put a stop to it; I may say that they have denounced it entirely.

91. That instance to which you have referred as one in which the Director lost his seat in the Court, in consequence of the discovery or a suspicion of such corrupt use of his patronage, occurred, it is believed, nearly 30 years ago?—More than 20 years ago.

92. Since that time two other cases have occurred, in which some proof, or at any rate some suspicion, attached to two Directors; subsequently to that time has there not been an oath administered to each Director, that he will not, directly or indirectly, make any such corrupt use of the patronage committed to him?—I am not aware of any oath.

93. Has not the Court of Directors since instituted very severe inquiries with respect to the distribution of patronage, and have they not recalled to England more than one of their servants then in India, in consequence of the discovery that the appointment of such servant, though unknown to the party himself, was procured by such means?—Yes.

94. The

94. The young men sent out, in perfect good faith as far as they were concerned, were recalled from actual service in India, and deprived of all benefit thereby, in consequence of the discovery that their parents or their friends had purchased such appointments?—Clearly.

95. Did that occur in more cases than one or two, or three?—I think in two only.

96. Then the Court have taken cognizance of that practice in their records?—Certainly.

97. If it has been proved that two writers sent out to India have obtained their appointments by means of paying money to some person to whom the Director had given that appointment, do you or do you not conceive it probable that the same thing has occurred in many more instances that have not been discovered?—I have no reason to believe that they have occurred at all; great precaution is taken with regard to appointments. The friends of each individual enter into a penalty bond of 3,000*l.*, rendering themselves liable, in the event of it ever appearing that it has been purchased, and the appointment, on the discovery, is null and void.

98. Notwithstanding it being found out that those situations were gained by improper persons, were the writers allowed to remain in India or recalled?—Recalled; they were dismissed the service.

99. What are the qualifications that are required for a writer previous to his appointment?—I cannot immediately state to the Committee what the exact qualifications are, but they are defined by the Regulations, that can be laid before the Committee.

100. It is only from that class that appointments can be made in India to any civil office?—Clearly; *the Act prescribes that the appointments in India shall be made from the list of civil servants there.*

101. In the event of the Legislature deeming it desirable to remove the patronage of writers and cadets from the governing body in this country, whatever it might be, do you conceive that any disadvantage would arise to the service from making such appointments the subjects of open competition in this country as to the qualification of the person?—I am not aware that there could be any difficulty in finding perhaps individuals qualified if the patronage was removed from the Court of Directors, but the direction of the whole must rest somewhere, that is, if I understand rightly, the appointment would be thrown like prizes in the market for individuals to strive for.

102. That the governing power should select young men for those situations upon open competition for that purpose?—If I understand the question, it applies to getting individuals properly qualified otherwise than by the Court of Directors recommending them. I presume it would be equally possible to get individuals properly qualified as they may be now; but there must be some body to have cognizance as to their first appointment, and then that body would, more or less, have an influence over them ultimately. The selection of a number of individuals for the patronage would rest somewhere; there must be some spring for the first exercise of that patronage.

103. Does not it happen, as it must according to the course of human nature, that the Directors, in the exercise of that patronage, are very frequently governed by a predilection for their own relatives and families?—Most naturally; but the individuals

individuals whom they appoint are subject to the like examination as every other individual is; he stands no better or fairer for the ultimate completion of the appointment, unless he is qualified, than any other party.

104. What is the nature of the qualification that they have to undergo?—If they are educated at the East-India College, they are not appointed without the College Council reporting as to their qualification; the College Council rank them; and under the late London Board there were certain tests; when the young men came up to those tests, they were appointed.

105. Must it not happen that, when individuals are so appointed from favour and affection, that their qualifications are not equal to those which they would be likely to be, if they were the rewards of merit and acquirement?—I believe, under no circumstances whatever, has any favour in the least been shown to a connexion or a relative of a Director, as such. I conceive that you must have a general standard of qualification, to which every individual must come up; if he does not arrive at that standard of qualification he cannot be appointed; and perhaps the testimony borne by Governors General who have been in India, as to the appointments made, would best show the character of those selected for the duty in India.

106. Those gentlemen so sent out, not having been bred to any profession, if they should be unable to obtain civil advancement in India, are left without the means of providing for themselves?—No one, as I have before observed, goes out without having answered the test. After a writer reaches India, he is now, I believe, sent into the Mofussil; that is, into the interior of the country, where he is placed under a collector; and he must, in a certain time, possess a certain qualification in regard to the languages; in the event of his not attaining that proficiency, he is sent home, and is disqualified for service.

107. Does not this mode of sending out writers narrow the sphere of talent out of which the Governors of India have to make their choice?—In the first place the number sent out is according to the number required. All parties, when they are sent out, as I have before stated, are supposed to possess certain qualifications. It has, I believe, been seldom found that, amongst the number sent out, the Governor General has been at a loss to select servants for particular duties; some have evinced far greater talents than others; but in the lists of servants now there are many distinguished individuals, and have been since the institution of the College. I have never heard of any complaint, as to the qualifications of the servants generally, on their reaching India.

108. Do you believe that there are in India more than sufficient actually to fill the existing offices in that country?—Whether at this moment there may be more or not I do not know, but a very few years since the Bengal government made a requisition to the Court of Directors for 80 writers; the Court of Directors were themselves very much surprised, and would not send out anything like the number; but in order to afford a supply, the establishment of the London Board was framed for the selection of individuals who might be found throughout the country qualified, provided they could obtain a presentation.

109. The limited number of writers sent out must proportionally limit the selection and range for office?—Unquestionably, the fewer the instruments the more limited the selection.

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110. Do you know whether, in point of fact, the Governor General and Governors and Presidents have felt great inconvenience from the very narrow choice that was left with them in filling very high and responsible situations?—If they have felt it, they have not stated it upon record generally.

111. You have used the expression "standard of qualification," will you state what you consider the standard of qualification for a writer going out to India?—I cannot state what it is; but the regulations of the College will detail it. The regulations with regard to the College are approved by the Board of Commissioners.

112. The supply being so limited of writers sent out, is it not essential they should be persons of the highest qualification?—The Board of Commissioners and the Court of Directors have framed general regulations, and the professors of the College have stated what they considered to be an efficient and good test.

113. If you could get better, would it not be desirable, there being so few?—No doubt the best would be the most desirable.

114. Then the question is, whether you could not get a better class of servants by public examination, or public competition, than you do now in the way in which the patronage is exercised?—I should doubt very much whether it would be so.

115. You have referred to the London Board; is there not in the London Board a classification of first, second, and third servants?—Yes.

116. Are you aware how many of those who have been sent out through that ordeal have obtained the first rank?—No, I am not aware; but the Return can be given.

117. Does it appear to you that any of the evils of divided responsibility and delay have arisen from the present constitution of the home government, in so far as relates to the Court of Directors and Board of Commissioners?—It is really difficult to answer that question altogether. Instances may possibly have occurred, supposing you take the limit prescribed by Parliament, within which business ought to be done, that is, that the despatch, when prepared, should be only two months from the time of its leaving the Court of Directors to its being returned thither; that limit has in some cases been exceeded.

118. From the date of the arrival of the despatch from India until a final reply is sent to it, what may be the average period of time that may elapse?—I cannot state the average period of time: the answer I meant to give was as to the rapidity of time within which a despatch having been prepared was, in fact, sent to India. It had no reference to the period when despatches might have been received from India, and the answer sent back to India.

119. The question, now goes to that?—Most unquestionably I think there have been delays, but I do not think that any average can be well drawn. Whenever a despatch is considered of importance, a reply has been frequently prepared *instanter*. It has occurred that letters which have been sent from this country to India upon important subjects, have not been answered for years from India, in consequence of the intervention of wars, and various other occurrences, which have rendered it impossible for the authorities there to take up the subject.

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120. What is the shortest time in which you have known a despatch received, and a reply sent in detail upon matters not including mere acknowledgment of receipt?—I should say within the period prescribed by Parliament. An answer has been prepared by the Court and sent up to the Board within ten days of the receipt of the despatch from India.

121. On the other hand, how long have you known a despatch, relating to matters controverted between the Court of Directors and the Board of Commissioners, to remain before anything was finally done upon such a despatch?—I cannot call to mind any particular period, but I am aware that a very considerable time has at periods elapsed.

122. Have you known as long a period as one or two years?—I cannot really charge my memory with it, or I would state it to the Committee.

123. What is the object of the appointment of the Secret Committee?—The Secret Committee is appointed for the purpose of sending out orders with reference to political matters that are connected with war or peace, or treaties and negotiations with the native states in India, the subject-matter of which can only be divulged by the permission of the Board of Commissioners.

124. Are the Committee bound by any oath of secrecy?—Yes.

125. Is there a Corresponding Committee in Calcutta?—No.

126. What is the constitution and what are the functions of the Secret Committee?—The constitution of the Secret Committee consists of three members of the Court of Directors, chosen by the Court. The Act of Parliament calls upon them to appoint such committee. There is no individual Director pointed out, but in general it consists of the Chairman, the Deputy Chairman, and the senior member. Their province is to forward to India such despatches as are comprised within the functions of the Secret Committee, and which relate to peace and war, and treaties and negotiations with the native states in India, and which, in the opinion of the Board of Commissioners, should be secret.

127. They are bound by an oath of secrecy not to disclose what comes before the Secret Committee?—Yes.

128. Do they make alterations in such despatches as they do in other despatches?—The Secret Committee of the Court of Directors have had communication upon matters that have been stated in secret despatches with the President of the Board of Commissioners, and sometimes alterations have been made; but they have not the same power with regard to despatches sent down in the Secret Department that they have with regard to the other despatches; they are not empowered to make representations thereon to the Board.

129. In point of fact, the despatches sent down by the Board to the Secret Committee are conclusive upon the Committee?—Clearly.

130. Are the despatches which are addressed to the Secret Committee laid before the Court of Directors?—No.

131. Who decides as to the secrecy of the matter?—They are addressed from India to the Secret Committee. The secretary receives and may open all despatches that come to the India House, as he is a sworn officer of the Committee.

132. Secret or otherwise?—Yes.

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133. What is the present annual amount of the salaries and establishments of the Secretary's office?—I am not aware that any very great alteration has taken place, but in 1827 it was about 12,000 *l.* a year.

134. That is for the salaries?—Yes.

135. That, with the establishments, makes up the amount of 20,333 *l.*?—Yes; that includes the secretary, the deputy secretary, the established clerks and the extra clerks; it includes 56 persons.

136. The extra clerks, though so called, are permanently employed?—Yes, they are.

137. Besides the office and establishments, what is the amount of the contingent or other charges?—I am not aware of any others than what are stated. The salaries are clear and distinct with regard to the individuals; and the allowances to extra clerks are included in the Return.

138. What is the amount of the superannuation of the officers belonging to the Secretary's-office?—I do not think I have got any exact amount under that head; it could be easily prepared.

139. What reductions have of late been made in the salaries and establishments of the Secretary's-office, and when were such reductions made?—Some reductions, in point of numbers, have been made in the last two years; but I may state, that Mr. Astell, when Chairman of the Court of Directors in 1829, laid before the Court a paper which entered very fully into the state of the home department; and if the Committee choose to have that paper, they will find in it every information upon this subject up to that date.

140. Can you say whether the annual expenditure of the Secretary's-office is larger or smaller than it was in 1814?—In 1814 fees existed. It was a different principle upon which the establishment was paid in 1814 from that which exists at the present time.

141. When was the alteration made?—It was subsequent to the last Charter Act; about 1815. The Court of Directors had long felt that the mode and system under which the establishment was paid was a bad one; it was by fees, in a very great degree; the allowances were not apportioned then upon a regulated scale. The Court came to a determination to abolish all fees, and place the establishment on one footing with regard to salaries and allowances.

142. Have you any paper that will give the Committee the total number of officers, clerks and other persons employed by the Company?—There were two periods taken in the paper which Mr. Astell laid before the Court; and if I state the gross result, perhaps that will answer the question of the Committee. In 1827–8 the number altogether was, taking the whole establishment of clerks, labourers, and every individual connected with it, 3,932; in 1829–30 the number was 3,490. The expense, or charge, in 1827–8 was 397,318 *l.*; in 1829–30 it was 353,668 *l.*, being 43,650 *l.* less in 1829–30 than in 1827–8. Of this charge in 1829–30, the charge being 353,668 *l.*, 74,000 *l.* only of that was territorial charge, leaving a debit to the commercial branch of about 279,000 *l.* These are stated in round numbers.

143. When was the office of examiner, on its present footing and constitution, created, and what circumstances gave rise to its creation?—The Examiner's-office was

was created as early as somewhere in the year 1780, shortly after the establishment of the Board of Commissioners, who, when they were appointed, called for a Return of all the establishments abroad and at home, as the Act directed, for the purpose of retrenchment; and it was found that the labour had so increased, with regard to the despatches, that the Examiner's-office was separated from the Secretary's-office, and formed into a separate department, of whom the head was, first, Mr. Wilks, and afterwards Mr. Johnson.

144. It is now, in truth, a secretarial office?—Yes, it is a secretarial office.

145. Will you have the goodness to state the amount of the salaries and establishments of the Examiner of Indian Correspondence?—It is between 21,000 *l.* and 22,000 *l.*

146. Has either reduction or increase been made in the salaries or establishments of the Examiner's-office since 1827?—I do not believe that the present examiner receives as much as his predecessor received.

147. Can you state the difference?—He receives the salary attached to the office, 1,000 *l.* a year; his predecessor received 2,300 *l.* a year; the salary received by the present examiner being that attached to the office.

148. The late examiner was superannuated?—He was.

149. At what retiring allowance?—£. 1,530 a year.

150. After what period of service did he retire?—He became a most valuable and efficient officer almost immediately on his introduction in 1809; he was then between 30 and 40 years of age, and he served 21 years.

151. The amount of the expense of the Examiner's-office at the India House is pretty nearly equal to that of the Commissioners of the India Board?—Within 5,000 *l.* I should think.

152. There is also an office in the India House called the Office of Military Secretary?—Yes.

153. Can you state the annual expenditure of that office, including its establishments?—I should think between 6,000 *l.* and 7,000 *l.* a year.

154. The total amount of what may be called the three secretaries, the secretary, the examiner, and the military secretary, amounts to 48,118 *l.*?—Yes, I believe it may amount to that.

155. Are those who are denominated in the Return extra clerks, entitled to superannuation as well as the rest?—The Court are empowered to grant them superannuations. With regard to superannuations, the first time the Court had the power of granting them was by the Act of 1813; at that period the establishment was burthened with servants who had been a very long time attached to it; there was then little or no retired allowance given. It was to place the servants of the Company on a similar footing with those in Government departments, on retiring on account of age and infirmity, that the power was extended to the Court. Its exercise had the effect of rendering the establishment more efficient, and for this important purpose, amongst others, the privilege accorded to the Court under the Act of Superannuation, has been resorted to. I may state that the Court has felt the burthen to be a growing one, and is one which they intend to take into consideration. Under the operation of the Act, and with reference to the amounts given in Government offices, the Court have generally awarded the superannuation allowances to their

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servants, granting them at the same time to the fullest extent authorized by law, where they felt called upon to mark their sense of what they have been pleased to consider meritorious services.

156. The Indian correspondence is immensely voluminous?—I can state that the Indian correspondence has increased most enormously. The correspondence comes home in despatches, and the explanatory matter in books or volumes, as the whole of the proceedings of the Indian government are required to be recorded and sent home to the Court of Directors. There is a department at the India House denominated the Book-office, in which those volumes are deposited. The total number received (and they are folio volumes) from 1793 to 1813, comprising a period of 21 years, was 9,094 volumes; and from the year 1814 to the year 1829, which is a period of 16 years, the number was 12,414, very nearly double the preceding amount. The different heads under which they are sent home are, the Public Consultations, the Military Consultations, the Military Board's Proceedings, the Revenue Consultations, the Revenue Board's Proceedings, the Political Consultations, the Judicial Consultations, the Financial Consultations, the Commercial Consultations, the Board of Trade Proceedings, the Separate Consultations, the Board of Customs, Salt and Opium, Marine Board's Proceedings, Foreign, Law and Ecclesiastical Consultations, Subordinate Board's Proceedings, Books of Accounts, Journals, Ledgers and Disbursements. Of those volumes 500 are in use every day; and perhaps, whilst I am stating the extent of the duties, the Committee might be pleased to hear the extent of the references and other matters connected with the Court of Directors and the Board of Commissioners, which will show, in some measure, the extent of the duties. Independent of the despatches which are prepared for approval by the Board of Commissioners, there is a great variety of subsidiary correspondence which passes between the Board and the Court of Directors. From the period the Board was established, in 1784, to the last Charter Act, in 1813, the number of letters sent to the Board was 1,791, and the letters received from the Board 1,195, making a total of 2,986 in that period. From 1814 down to 1831, making a period of 17 years, 1,967 letters have been written to the Board, and 2,642 letters have been received from the Board, making a total of 4,609 letters, many of which frequently enter at very great length into the various matters connected with drafts, and other subjects under consideration. The number of drafts sent up for approval to the Board from 1793 to 1813 were 3,958, and from 1814 to 1830, 7,962, making an increase of 4,004 in the drafts. Connected with the duties that come under the Committee of Correspondence, which committee has been particularly adverted to, besides the preparation of those drafts and despatches for the approval of the Board, there are references connected with their servants, civil and military, and others in this country; also frequent communications with the Horse Guards as to troops, and other public departments. From the year 1814 to 1830 there were 50,146 references. The reports which have been made to the Court from the committees of the Court, and which reports only comprise the result of the inquiries and decision, without the details of the various matters, and without exhibiting the extent of the researches made in framing such reports, were 32,902. Another very heavy branch of duty arises out of Parliamentary Orders. From the year 1813 to the present time the number of orders served on

on the Court was 723; within the last two years and a half there have been 345, requiring Returns of vast extent.

157. A considerable portion of the business referred to by you appears to arise out of the circumstance of the co-existence of two separate bodies in this country, conducting the same machine?—I am not aware that a great increase of business arises out of the two bodies, because all the despatches, as well as appeals of individuals, and the Orders of the House of Commons, if not met by the Court of Directors, must devolve upon some authority, be that authority what it may.

158. There are the communications between the two branches of the home government?—I should say, the letters only, and the despatches.

159. In the event of the Legislature thinking fit to continue the government of India in the present home authorities, do any suggestions present themselves to your mind whereby the amount of this mass of business might be decreased, and despatch introduced into the administration of the affairs of the Company?—In the first place, I consider that the present system was introduced, after much deliberation, by Parliament, as a system of check, most essential in the administration of so large a trust as that of the government of the Indian empire. You have two co-ordinate authorities, possessing separate rights and powers, the one being controlled by the other in some points, yet both acting in promoting the despatch of business generally. One point that occurs to me, which might possibly expedite the business, would be, to fix a certain time within which answers should be prepared to all despatches from India. A statement might be periodically reported to Parliament for its satisfaction. Another point possibly might be the preparation of despatches in the Court of Directors, by subdividing, as they have sometimes done, their committees for that purpose, the Chairs, of course, always having cognizance of every thing going forward.

160. Does not it appear to you that much of the business now transacted in this country might be advantageously left in the hands of the local governors in India? —I doubt it very much, looking at the system as it was originally framed, and the purposes for which it was established. The great principle has been to vest the government of India primarily in the home authorities. The Board of Commissioners have decidedly expressed this opinion, in which the Court of Directors have most fully concurred. At the close of the Mahratta war, in 1803 and 1804, when the Court of Directors, in taking a review of all the circumstances connected with the important events arising out of that war, pressed the observance of that principle, the Board stated they were fully impressed with "the importance of maintaining this control, at all times, in its full vigour; and the Councils of India must be made to confide in the government at home, to the utmost extent which is compatible with the due efficiency and energy of the local government, which salutary purpose can alone be secured by the transactions of the respective governments being regularly carried on and duly recorded in Council, and by the utmost attention being paid to the punctual transmission of their proceedings home by every possible opportunity." The same principles were again reiterated in 1813. What has been read is an extract from a letter from the secretary to the Board of Commissioners to the secretary of the Court of Directors, with comments upon a draft that

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that reviewed the whole of the political proceedings and measures of the Governor General anterior to 1805.

161. Does not a very large amount of labour arise at the India House out of the mere circumstance of the difference in the currencies in India?—I am not aware that any great labour can arise from that; it is easy to calculate the difference.

162. Does it increase the accounts?—I do not know that it does; but mine is not a financial department.

163. State what is the practice with regard to filling the Chairs; has it been the practice for the Chairs to be filled by the Directors in rotation, or has it been the habit of the Court of Directors to go out of that rotation to select those that they may think most fitting?—There has been no rule whatever observed; it is not by rotation clearly.

164. Are there not instances of gentlemen having been appointed Chairmen exceedingly young in the direction?—Certainly; it is in the breast of the Court to appoint which of the Directors they please. After the annual election has taken place, the Court assemble altogether as Directors, and the bye-law prescribes that they shall then choose a Chairman and Deputy Chairman for the year ensuing. The senior Director generally (supposing he is not the individual who may be proposed for the Chair) has, by courtesy, the privilege of proposing a member for the suffrages of his colleagues. The ballot-box is passed round; and if the numbers decide that the gentleman proposed has a majority, he takes the Chair, and he is then the organ of the Court; the same course is adopted with reference to the Deputy Chairman. The choice of the Chairs is the first act of the Court, after which they proceed to the election of Committees.

165. Is not every member of the Court, however junior he may be, eligible to be appointed to the Chair?—Certainly.

166. Is it not the practice to take that person, without reference to his seniority, that the Court may approve of?—Clearly.

167. The same individual is often elected Deputy Chairman in successive years?—Yes.

168. So that if his experience be desirable, it may be obtained without any reference to the claims of other gentlemen who may not have had that experience?—Clearly.

169. Have not several gentlemen filled the office repeatedly?—Certainly.

170. Are the Committee to understand, by an answer you gave, that you conceive that to extend considerably the powers of the local governments in India would be incompatible with the good government of that country?—It appears to me, looking at what Parliament has done, and the care with which it has legislated for the government of India, the Legislature has been exceedingly jealous of placing in the hands of the government abroad any unnecessary powers; giving them at the same time all those powers considered essential to the good government of the country, but restraining them from any acts that are not absolutely necessary for the welfare and the interests of those committed to their charge.

171. Are you then of opinion that the interests and the good government of India have not suffered materially from a want of power on the part of the local governments?—I would not presume to say that difficulties may not have been experienced from

from the existing enactments, so far as they may limit the field of action in which the Governor General may exercise the powers which he possesses, or the joint powers of the government generally. I think there might be an advantage if the field of action were extended.

172. Will you state to the Committee what is the constitution of the local governments of the several presidencies in India, and what are their functions?—In Bengal the government consists of a Governor General and three councillors. The Court of Directors, if they shall see fit, may appoint the Commander-in-Chief to a seat in Council; if they do, that officer takes rank next to the Governor General, as second in Council. There are two other civil councillors, making in the whole a Governor General and three members of Council. Under them are of course the other functionaries connected with the establishment, whose proceedings have been adverted to, as contained in the different records already pointed out. At Madras the government consists of a Governor and three members in Council, and at Bombay the same.

173. Are the Governors of those two presidencies of Madras and Bombay under the control or dependent upon the Governor General at Bengal?—The Governors of Presidencies have a supreme and controlling power under certain circumstances, and may be suspended by the Governor General for disobedience of orders in particular cases.

174. Has he not the power, if he thinks fit, of proceeding to those several presidencies and assuming the authority there?—Yes, clearly; and whenever he proceeds there, he takes the seat as president.

175. Describe the functions of the Council in Bengal, and in how far they are a check upon the conduct or proceedings of the Governor General?—The Act prescribes the mode in which the Council is to proceed, the Governor General being the person to bring forward any business he thinks fit: the discussion upon it may be adjourned twice for 48 hours, but not longer, and then a decision must be passed. If the members of Council accord with the views of the Governor General, the measure is passed as a measure of government; if the members of the Council dissent from the proceedings of the Governor General, they are to exchange opinions in writing, which are entered upon record. If the Governor General still adheres to his own views, he is vested with a power of acting on his own responsibility, placing upon record his reasons for so doing, which are transmitted to this country, with copies of the other proceedings.

176. Practically the Council are only his advisers?—They are his advisers undoubtedly, and he can act independently of them.

177. If the members of Council are of one opinion, and the Governor General of another opinion, his opinion may supersede their's?—Yes, certainly; and that shows the great extent of power which the Governor General has; but the Legislature has stated that he must enter his reasons at length for so doing, and he is held responsible for the same and the consequences.

178. What is necessary to qualify a councillor?—He must have been in the Company's civil service in India ten years.

179. The offices of Captain General and Governor General have been sometimes connected?—The only instance that the authority of Captain General has been

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been conferred upon a Governor General was in the instance of Marquis Wellesley, when his lordship went to Madras, at the siege of Seringapatam.

180. What power does the title of Captain General give him which, as Governor General, he does not possess?—It gives him complete control over the military affairs which, as Governor General (unless he combined in his own person the office also of Commander-in-Chief), he would not possess; it is an appointment from the King.

181. In that character a Governor General has himself superintended the complete arrangement of a great military expedition?—Yes.

182. And has carried the concentrated authority of England to the spot in India where it was most required?—Most clearly.

183. What power have those councillors in regard to making local laws?—India is governed by what is termed Regulations, and those Regulations consist of two characters: the one rules, ordinances, and regulations, which are made under the Act of Parliament of the 13 Geo. 3, and have reference to the places within the limits of the Supreme Court, and subordinate to Fort William. Those Regulations, which are not to be repugnant to the laws of the realm, to be effectual, must be registered in the Supreme Court, and when so registered, they are valid and come into operation. They remain publicly exposed to view for 20 days before they are registered; when they are registered they are sent home here and affixed to some public place at the India House; they are liable to be appealed against in this country, such appeal being entered 60 days after the publication of them. His Majesty may disapprove and set aside such Regulations. The Regulations which have relation to the Mofussil, and prescribe all the duties of the civil servants, more especially of those who are concerned in the judicial and revenue branches: they also govern the proceedings of the provincial courts, and contain various other provisions, are framed by the Governor General and Council, and are binding upon the servants and the natives. They are formed into a code, and promulgated, after being translated into the native languages, by distribution among the courts of justice, boards of revenue and trade, collectors of land revenue and customs. Copies are sent home to the Board and the Court.

184. The Regulations passed by the Indian government are laid before Parliament?—Yes.

185. Is it requisite for any other officers to concur in them besides the Governor General and the Council?—Not the Regulations for the provinces, but the rules, ordinances and regulations are of no effect until registered by the Supreme Court.

186. Are you aware of any suggestions made by the servants of the Company in India, with respect to the improvement and remodelling those Councils, under the denomination of Legislative Councils?—There have been lately received a variety of documents from committees, which sat by order of the Governor General, in Calcutta, for the purpose of revising the several establishments, and for suggesting anything that might occur to them to facilitate the transaction of public business, or improve the system and mode of government and promote general economy.

187. Can you state the date of the commission appointing those committees?—I think they were appointed at the close of 1828.

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188. The parties who are to obey those laws or regulations cannot be acquainted with the nature of them until after they have been passed and promulgated?—Not those for the provinces.

189. What form of promulgation takes place in India?—The Regulation prescribes the form in which they are made public, as already adverted to.

Jovis, 15° die Februarii, 1832.

Sir James Macdonald, Baronet, in the Chair.

BENJAMIN SCOTT JONES, Esq. called in, and examined.

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190. How long have you been in the King's service at the India Board?—I was appointed to the Board in the beginning of the year 1791, having been previously between six and seven years at the India House.

191. What situation do you at present fill at the India Board?—That of assistant secretary.

192. Will you state to the Committee how the Board of Commissioners for the Affairs of India is constituted?—They are at present constituted by a commission under the Great Seal, the first-named Commissioner being President of the Board; the Chancellor of the Exchequer, and the Secretaries of State for the time being are, *ex officio*, members of the Board, and two of the Commissioners are not of the Privy Council.

193 That is their constitution under the Act of the 33d of Geo. 3, c. 52?—Yes.

194. What number of those Commissioners receive salaries for their services?—By the Act 51 Geo. 3, c. 75, there is no limitation with respect either to the number of Commissioners who are to receive salaries, or to the amount of the salaries. Previously to the passing of that Act the aggregate amount was limited to 5,000 *l.* By the Act of 1793 the King was empowered to grant such fixed salaries as His Majesty should, under His Sign Manual, countersigned by the Chancellor of the Exchequer for the time being, direct, provided that the whole of the salaries to be paid to the members of the Board did not exceed the sum of 5,000 *l.* in any one year; but that restriction was removed by the Act of the 51 Geo. 3; but, in practice, the number of paid Commissioners has been limited to three; namely, the President and two others.

195. Did, at no period, a greater number receive salary?—At no period.

196. What was the sum limited by that Act for defraying the charge of the whole establishment?—The amount payable by the East-India Company for the whole establishment was, by the Act of 1793, 16,000 *l.* per annum; it was afterwards increased to 22,000 *l.*; and by the Act of 1813 the amount was further increased to 26,000 *l.*

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197. Payable out of the revenues of India?—Yes.

198. Is that the charge upon the East-India Company now?—Yes, it is.

199. What is the amount of the salary now paid to the President of the Board of Control?—The amount of salary to the President is 3,500 *l.* per annum, having been previously 5,000 *l.* The salaries to the other paid Commissioners are now 1,200 *l.* per annum, having been previously 1,500 *l.*; they were reduced in consequence of the recommendation of a Treasury Minute, founded upon a Report of a Committee of the House.

200. What is the salary of the Secretary of the Board?—His salary is now 1,500 *l.* per annum; and it is to be raised to 1,800 *l.* after three years' service.

201. What had it been previously?—Previously it had been 2,000 *l.*

202. Into what departments is the India Board divided?—In answer to that question I should beg leave to put in a memorandum that has been printed, and, I understand, has been generally circulated in the Committee.

[*The Witness delivered in the following Paper:*]

" The business of the India Board is divided into six departments; *viz.*

" The Accountant's,
Revenue,
Judicial,
Military,
Secret, Political, and Foreign,
Public.

" The object of this Paper is to explain the nature of the business transacted in each department.

" 1.—*The Accountant's Department.*

" The business of this department is,—

" To examine the accounts of the East-India Company's finances at home and abroad:

" To preserve the separation between the accounts of the territorial and commercial branches, prescribed by the Act of 1813, and to attend to the due appropriation of the surplus funds:

" To control the correspondence between the Court of Directors and the Indian governments, in the departments of

Territorial Finance,
Commercial Finance, and
Mints and Coinage:

also occasional correspondence in most of the other departments of the Company's affairs requiring calculation, or bearing a financial character.

" Accounts relative to the trade of India and China are also usually referred to this department.

" 2.—*The Revenue Department.*

" The business transacted in this department relates principally to the revision of despatches proposed to be sent to the several governments of India, reviewing the detailed

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detailed proceedings of those governments, and of all the subordinate revenue authorities, in connexion with the adjustment of the land-assessments, the realization of the revenue so assessed, and the general operation of the revenue regulations on the condition of the people, and the improvement of the country. Besides the land revenue, the detailed proceedings of the local authorities in the salt, opium and customs departments, come under periodical revision.

" 3.—*The Judicial Department.*

" The business of this department consists of the examination of all correspondence between the Court of Directors and the local governments, on subjects connected with the administration of civil and criminal justice and police in the interior of India; such as, the constitution of the various courts, the state of business in them, the conduct and proceedings of the judges, and all proposals and suggestions which from time to time come under discussion, with the view of applying remedies to acknowledged defects.

" The King's Courts at the three presidencies are not subject to the authority of the Court of Directors, or of the Board of Control; but any correspondence which takes place in relation to the appointment or retirement of the judges of those courts, or to their proceedings (including papers sent home for submission to the King in Council, recommendations of pardon, &c.), passes through this department.

" 4.—*The Military Department.*

" The correspondence in this department has reference to any alterations which may be made in the allowances, organization, or numbers of the Indian army at the three presidencies; to the rules and regulations affecting the different branches of the service; to the general staff, comprehending the adjutant and quartermaster-general's departments; the commissariat (both army and ordnance); the pay, building, surveying, and clothing departments; and, in fact, to every branch of Indian administration connected with the Company's army. It also embraces so much of the proceedings, with respect to the King's troops, as relate to the charge of their maintenance in India, recruiting them from this country, and the periodical reliefs of regiments.

" 5.—*The Secret, Political and Foreign Department.*

" The correspondence which passes through this department comprises all communications from or to the local governments, respecting their relations with the native chiefs or states of India, or with foreign Europeans or Americans. It is divided into the following branches:—

" 1. The *Secret* department, containing the correspondence between the Indian governments and the Secret Committee of the Court of Directors. Under the provisions of the Act of Parliament, such confidential communications as, in the opinion of the local governments, require secrecy, are addressed by them to the Secret Committee. Any directions, also, to the local governments, relating to war or negotiation, which, in the judgment of the Board of Control, require secrecy, are signed by the Secret Committee; and the local governments are bound to obey those directions in the same manner as if they were signed by the whole body of Directors.

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"2. The *Political* department, comprising all correspondence not addressed to the Secret Committee, or sent through that committee to the local governments, respecting the native chiefs or states with whom those governments are in alliance or communication, or whose affairs are under their political superintendence, or who are in the receipt of pecuniary stipends in lieu of territory.

"3. The *Foreign* department, including all correspondence relating to communications between the local governments and the several foreign Europeans who have settlements in India or the Eastern Islands; and embracing, in fact, all the proceedings of the local governments in relation to foreign Europeans or Americans resorting to India.

"The proceedings of the local governments with respect to their residents and political agents, and to any other officers and their respective establishments, through whom communications with native states and chiefs, or with foreigners, may be maintained, are also reported in the several departments in which those officers are respectively employed.

"6.—*The Public Department.*

"The business of this department comprises the examination of all despatches to and from India upon *Commercial* or *Ecclesiastical* subjects, and of those which, being of a miscellaneous character, are distinguished by the general appellation of "Public." The commercial and ecclesiastical despatches, which are considered as forming two branches of correspondence distinct from the "Public," are united with the latter in the same department, only on account of the convenience of that arrangement with reference to the distribution of business in the establishment of the Board of Control.

"The *Public* correspondence comprises all those despatches which do not belong specifically to any of the branches of correspondence hitherto enumerated. They relate to the education of the natives and of the civil servants; to the appointment of writers, and of the civil service generally, and to their allowances; to the several compassionate funds; to the grant of licenses to reside in India; to the press; to public buildings; to the Indian navy and the marine department; to the affairs of Prince of Wales' Island, Singapore, Malacca and St. Helena; and to various miscellaneous subjects. Some of these being closely connected with the business of other departments, are reported upon in them, although the whole pass through, and are recorded in the public department.

"The *Commercial* correspondence contains the communications between the Company as a trading body, and the governments in India as its agents. They are laid before the Board, in order that it may be seen that they contain no directions having reference to the political (as distinguished from the commercial) relations of the Company. They treat of the Company's investments; of the funds for providing, and the tonnage for conveying those investments, and of their pecuniary result; of the allowances in the commercial department, and of appointments of free merchants and mariners.

"The *Ecclesiastical* despatches contain everything relating to the appointment of chaplains, archdeacons, and bishops; to their allowances; to their conduct; to the building and repair of churches, or other places used for public worship; and to all questions

questions respecting the affairs of the churches of England and Scotland in India, or of that of Rome, so far as public provision is made for its maintenance.

"Any papers treating of ecclesiastical or miscellaneous topics, though they are not despatches to or from India, are likewise recorded and reported upon in this department."

203. It has been the uniform practice for all the salaried Commissioners and Secretary to be changed upon a change of Administration?—Undoubtedly.

204. The other Commissioners seldom take an active part in the business of the department, they are considered more as honorary members, and persons who may be consulted by the members if they think fit?—Yes.

205. Do the honorary Commissioners, or any of them, at any time, in pursuance of their official duties, inspect the papers of the department, or do they at all interfere in the affairs of the Board?—I should say they do not generally interfere in the affairs of the Board, but that they occasionally look into papers. Mr. Sullivan, who has a most intimate knowledge of India affairs, though retired and living generally in the country, continues to take an interest in those affairs. Papers are sometimes sent to him, and he occasionally gives opinions upon the subjects of the documents thus submitted to his inspection.

206. Has the Secretary always, within your recollection, been an efficient officer of the Board?—I would not say always; but for a great number of years the Secretary has been a most efficient officer. I should apply that observation emphatically to Mr. Courtenay, who came to the Board in the year 1812, and continued with us till May 1828; a more active and efficient public officer never existed.

207. As the duties of the office have been executed since the period you have mentioned, that office has not only been very responsible, but a very laborious office?—Most laborious.

208. Has the Secretary of the Board invariably had a seat in Parliament?—Invariably.

209. In the distribution of the business of the office, does not it depend much upon the President himself, how far he shall or shall not avail himself of the services of either or both of the other salaried Commissioners?—I should say that it depends entirely upon the President himself.

210. That consequently has very much varied in different Boards at different periods?—It has.

211. Effectively the whole responsibility rests with the President?—It does.

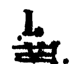
212. Will you state to the Committee the departmental construction of the Board?—All despatches prepared by the Court of Directors are sent up to the Board, as well as copies of despatches received from India. At the first establishment of the Board, the paragraphs proposed by the Court to be sent to India, came up at once, in an official form, for the approbation of the Board, who, whenever they make any alterations, are bound by law to give their reasons at large for making them. This necessarily occasioned a great deal of correspondence; much controversy took place, and of course occupied much time; I will not venture to say that it was wasted, in conducting the business in that mode. At a later period the practice was introduced of making an unofficial communication of proposed despatches

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despatches to the President for his consideration. These are called previous communications; and, with permission of the Committee, I will read an extract from a letter from the late Mr. Canning, which explains the nature and the use of that mode of transacting the business. "The use and object of previous communications is free discussion. They are amicable preludes to further propositions, which enable the Board to state its objections (when it has any) and to offer its amendments and additions, without assuming the air of dictation, and through which each party becomes acquainted with the other's sentiments without being committed, in point of consistency and in dignity, to its own. The official draft being thus prepared, with a free knowledge how far it is likely to meet the concurrence of the Board, the best chance is taken for avoiding direct official collision." These previous communications are returned unofficially to the India House; and it then rests with the Chairman and Deputy Chairman of the East-India Company to consider whether or not they will adopt any alterations that may have been made; if they are adopted, the *official* draft of the proposed paragraphs comes up conformably with the tenor of the previous communication, and is, as a matter of course, passed through the proper department, and returned approved. If the Court see fit not to adopt those alterations, the draft is restored to the same, or nearly the same, state in which it came up as a previous communication; and then, if the Board determine to re-insert the alterations that they had made in the previous communication, they must assign their reasons for so doing. Perhaps the Committee would allow me to explain the mode in which those previous communications are examined by the different departments. As soon as one of this description of papers comes to the Board, it is referred to the senior clerk of the department to which it belongs. The previous communications are accompanied by what are termed *Collections*, which consist of copies of the documents upon which the proposed paragraphs are founded; these come up oftentimes in large masses, and, consequently, cannot be examined without considerable labour and time. I have myself known an instance, I think about three years ago, of one of those proposed despatches coming up, accompanied by about 20,000 pages of extracts from Consultations; that was certainly a peculiar case; but very commonly the collections amount to 2,000, 3,000, 4,000, or 5,000 pages. Before I was appointed to my present situation I had the charge of the secret and political department. It was my practice (and it has been continued by my successor), to prepare statements embracing the principal facts, and also the reasonings relative to every subject treated of in the proposed paragraphs; at the same time offering any observations or suggestions that occurred to me. Departmental reports of this nature are forwarded to the Secretary, who makes such additional remarks as he sees fit, sometimes concurring in the view that the departmental officer has taken; in other instances dissenting from him. Mr. Courtenay was frequently in the practice of sending for particular collections, with a view to examine for himself, where he had any doubt of the accuracy of the departmental report. After passing through the hands of the Secretary, the previous communication is then brought before the President, who forms his judgment upon it. The previous communications, having been thus examined, are returned to the India House; and then, as I before observed, the drafts come up officially for the consideration and approbation of the

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Board. Will the Committee permit me to observe, that during Lord Ellenborough's presidency a new mode of conducting the correspondence with India was agreed upon between his Lordship and the Chairs. The objects principally contemplated in revising the system of India correspondence were, *first*, a more minute subdivision of it; and, *secondly*, the transmission home, at the same time with the despatches themselves, of the several documents therein referred to. At the period when the Board was first instituted it was the practice of the local governments to write general letters, embracing the various subjects which are now reported upon departmentally. Much convenience has resulted from that mode of dividing the correspondence. One of the consequences of the vast increase of British territory, and of the extension of our political alliances, has however been (as might be expected), to multiply the subjects of correspondence in every department; hence the periodical reports of the proceedings in each department became voluminous, and required considerable time for their preparation; and as they were answered after the same fashion, the communications of the local governments with the home authorities, and *vice versâ*, were necessarily slow. The above observations apply to the ordinary correspondence; matters of peculiar importance, or requiring early attention, were at all times treated of in separate despatches. With a view to expedite the conduct of the correspondence, the late President, after much discussion with the Chairs, and minute inquiry at the office, approved of a circular despatch to the governments of the several presidencies, directing that, instead of writing long general letters, every subject should, as far as practicable, be reported upon in a separate letter; and that, when reported upon, the letter should be forwarded home by the first opportunity. His Lordship arranged, in concert with the Chairs, a similar plan for answering those letters. Upon the former plan a general answer, in the preparation of which many weeks, and sometimes months, had been occupied, came to this office, accompanied by voluminous collections. To render the control of the Board efficient, it was necessary, not only that the sentiments expressed by the Court should be such as they could approve, but that the facts on which the opinions and decisions of the Court were founded, should be carefully examined. In many cases the process of examination at the Board occupied nearly as much time as had been spent at the India House in framing the proposed paragraphs. Upon the new plan there are these advantages: first, instead of receiving, at long intervals, drafts of general letters, of the comprehensive nature above alluded to, the several subjects of such a letter will come to the Board in quick succession, as separate drafts, which are likely to be more promptly disposed of than when the attention is distracted by numerous claims upon it arising together; and, secondly, when a despatch embraced a great many points, it was not returned until the whole was examined and decided upon; whereas, upon the new plan, the consideration of matters of minor importance may be postponed until after those of more importance shall have been disposed of. In respect to the transmission home of the documents referred to in the despatches of the local governments, it is to be observed, that the references were made to what are termed the *Consultations*, which, with certain exceptions, were not forwarded to the Board, who therefore had not the means of obtaining *full* information upon the subjects of those despatches until answers had been prepared at the India House, and sent up for approval, accompanied

accompanied by extracts from the consultations. The consultations contain copies, at full length, of all official papers laid before the local governments at their weekly meetings, and of the resolutions and instructions agreed upon at those meetings. On the new plan, the documents thus referred to will be formed into appendices, according to subject, and accompany the despatch. This arrangement will probably occasion more copying in India than formerly; but against this item of expense is to be placed a saving of the expense incurred at home in preparing the collections sent to the Board with proposed paragraphs.

213. Explain to the Committee the two terms you have had occasion to make use of, the term Consultation and the term Collections?—The collections are extracts made from the consultations upon particular subjects.

214. What are the consultations?—The consultations differ from minutes in this respect. In the minutes of the proceedings of the Court of Directors, and of other public Boards, the purport of the letters and papers read at their respective meetings, are briefly stated, whereas in India they are entered *in extenso*; and thus the authorities at home have before them all the official grounds upon which the measures of the governments abroad are founded.

215. Down to the most minute detail?—Yes.

216. Is the plan adopted by Lord Ellenborough now the plan pursued by the present Board?—It is; but it has scarcely come into full operation.

217. During the short interval that has elapsed, has any beneficial result followed from this change of system?—There scarcely has been time to ascertain it.

218. You have stated that in many instances 20,000 pages have been transmitted for the examination of the Secretary and other members of the Board?—I would not say in many instances.

219. Has no system of reducing those numerous pages into the shape of a précis been adopted by the Board at any time?—It has.

220. Are you aware that there is in the Foreign-office in this country a regular officer attached to it, called the Précis-writer?—Yes.

221. Have you any such officer attached to your department?—We had formerly an officer with that designation; but for a great number of years the précis is made in the respective departments; so that the necessity of having an officer expressly for making précis does not now exist. A single individual could not, indeed, perform the duty.

222. Is it not the duty of the chief clerk of the department to whom, in the first instance, the drafts are consigned from the India House, to make out a statement of the facts, reasonings and references therein contained, and present them so abridged to the Secretary?—It is.

223. Are the Committee to understand by the term "*Collections*," all the documents to which the correspondence may refer as vouchers; such collections therefore comprehending in copy all those materials upon which the Supreme Government or the governments of the other presidencies may have formed and recorded their opinions?—That is understood to be the case.

224. What is the meaning of the term Minute, as applied to the proceedings of the local governments of India?—It applies to the recorded opinion of the Governors and members of Council.

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225. The term Consultation therefore comprehends, not merely the minute of the different members of the Councils at the different presidencies, but also all those documents upon which those minutes are founded?—Yes.

226. You have stated you have known an instance of a consultation extending to 20,000 pages?—No, not a consultation, but a collection accompanying a single despatch.

227. What is the size of those pages?—They are not very closely written, but they are upon large paper.

228. In reference to the measure of writing in attornies' offices, what proportion do those pages bear as to the number of lines or words; is there a fixed measure in respect to the transcription by which they are regulated?—No, they vary very considerably; some of the pages are more closely written than others. The collections are generally written upon what is called demy paper.

229. The duty of the chief clerks of each department being such as you have described, the Committee need hardly ask whether a very heavy responsibility does not attach to them?—No doubt, a very heavy responsibility.

230. You have stated that the chief clerk's duty is to make an abridgment of those collections?—Yes.

231. No such abridgment takes place at all at the India House?—I do not know that.

232. You have none sent to your Board?—No.

233. So that you have no means of knowing the view taken at the India House of those collections in the shape of abridgment?—No.

234 Then the India House may take a very different view of these collections, which if you saw their abridgment, if it existed, might vary very materially from the view taken by your chief clerk?—Certainly. We judge for ourselves. The proposed paragraphs show the view of the subject taken at the India House, and it is upon those paragraphs that the Board have to decide whether to approve of them or to alter them. Speaking upon the subject of the précis, one of the most important arrangements that were introduced, upon the formation of the new mode of conducting the correspondence, was, that the various descriptions of agents in India should be required to adopt the practice of our foreign ministers, of docketing their own despatches. It is not to be supposed that the individual should always do it himself, but that he should cause it to be done. In consequence of that arrangement, the despatches now reach us in a very convenient form; they are all of them indorsed; the subject of the Government despatch, and of its various enclosures, is indorsed on the back of each paper. I can illustrate the convenience of this as compared with the former mode. When I had the charge of the secret and political department, during the Mahratta wars, and during the Nepaul war, we frequently received a great number of papers relative to the progress of military operations and negotiations, with merely a few lines from the government. This was done with a view to keep the Government at home informed as early as possible of what was taking place in India; but when the papers alluded to were not accompanied by an explanatory despatch, it was necessary that they should be read and docketed in the department; and the Board could not know the purport of the intelligence received from India until that process had been gone through. Upon this new

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plan this, in a similar case, will be done to our hands, which will be extremely convenient.

235. Does it or does it not very frequently happen that great and important alterations are made by the Board in the drafts of despatches sent up to them from the Court?—I should say very frequently.

236. In that case there is, in fact, a double operation, of suggestion of the alterations upon the receipt of the previous communications, and the perseverance in those alterations upon returning the draft to the Court?—Yes, exactly. In cases where the draft differs from the previous communication, the person in charge of the department carefully compares the previous communication with the draft, and points out every instance in which there is a difference; it then rests with the Board either, as I observed before, to insist upon the alterations which they have made in the previous communication, or to give them up. If they are not very material, they are given up, and merely the essential points are insisted upon, and then the draft is returned, with a letter explaining the reasons of the Board for the alterations which are made. Against those alterations the Court of Directors sometimes remonstrate in long argumentative papers. If the Board do not think fit to yield their opinion in consequence of such remonstrance, they then return for answer that they do not see fit to depart from their former decision, and direct the Court of Directors to transmit the despatch, as altered, forthwith to India.

237. Is any period fixed by law within which the Court, under those circumstances, are compelled to send out the despatch so altered?—Without delay are, I think, the terms of the Act.

238. In such a case as you have described, those communications occupy a very considerable space of time?—Frequently.

239. Frequently many months from the time of the previous communication to the going out of the despatch?—Yes, upon many occasions.

240. Have you not known instances in which one year or more than one year has elapsed during which such discussions have been pending between the Court and the Board?—I have known an instance in which fully that time has elapsed. I should not say it is at all a common case; very far from it. I believe that, generally speaking, the proposed despatches are returned as expeditiously as practicable. But I know there was one instance, of rather a recent occurrence indeed, in which the Court of Directors had taken a very general review of the political transactions during the period, I think, of 10 years, and affecting general principles of policy. (It was in fact that very despatch, accompanied with about 20,000 pages of collection.) I think that fully 12 months was occupied in the consideration of that particular despatch.

241. Does not it, in point of fact, frequently happen that a space of time exceeding two years, elapses between the receipt of a public letter from India at the India House, and the final despatch transmitted from this country?—That it has so happened, I believe, cannot be denied; but I yesterday requested the gentlemen in the different departments to state to me to what period the letters from India were answered, and I find that, generally speaking, they are answered down to the year 1831, in some few not quite so late, but to the end of the year 1830;

1830; that is to say, despatches bearing these dates from India. The Madras letters, dated the 3d of June 1831, appear to have been answered.

242. Received here about October?—We seldom receive them at the India Board in less than six to eight months. The India House transmit copies to us as soon as they are received.

243. When the delay, alluded to in the last question, has taken place, has it not been upon a subject involving a very great change of principle?—Certainly.

244. Or involving a judicial reference?—Yes.

245. Will you state about what period it requires, and in practice generally takes, to receive at the Board of Control the despatches from India?—The copies of despatches furnished to us from the India House are always marked with the date of receipt at the India House; for instance, received per such a ship, such a day; and then, when they reach us, we always mark underneath when they are received at the Board. I should say, that no time is lost at the India House in transmitting to us copies of despatches.

246. How many days have generally elapsed between the receipt at the India House and the receipt at the Board?—Generally not more than three or four days, and often not more than a day, if they are of importance. There is nothing to complain of on this score; indeed, the promptitude with which every requisition of the Board is attended to by the officers of the India House is everything that could be wished or desired; even when expressed unofficially, my applications have always met with the utmost attention.

247. You have known despatches sent up from the Court of Directors to the India Board, not only materially altered, but completely changed in their tendency, have you not?—I have known instances of that kind.

248. Then the Committee is to understand, in the event of the Board persevering in their opinion of the fitness of such alterations, the Court are bound to send out the despatches so altered to their governors in India?—Yes, however unpalatable it may be to themselves.

249. However much, by this previous mode of communication, what Mr. Canning called the "air of dictation," may be avoided, the dictation, in fact, takes place?—Unquestionably. The power of the Board is not, however, thus exercised until after the points of difference have been freely and fully discussed.

250. The power of the Directors on such occasions is, in truth, confined to the mere suggestions of the despatches, that they wish to be sent to India?—Yes; but, as already stated, they have the right of remonstrating against the alteration of their proposed despatches.

251. What is the course with regard to the despatches emanating from the Secret Committee?—By the Act of 1784 the Secret Committee was first constituted. It consists of three members of the Court of Directors; namely, the Chairman, Deputy Chairman, and the senior Director, who take the oath of secrecy, as prescribed by the Act; their officers are also sworn to secrecy, and no one is employed in transcribing secret despatches without the permission of the Board. The Board are empowered by law to issue, through the Secret Committee, orders and instructions on all matters relating to war, peace, or negotiations of treaties; and the Secret Committee are bound to transmit those orders to India without delay.

They

They have no legal power to remonstrate against the tenor of such orders, provided that they have relation to the subjects above stated; in fact, the Board are by law made exclusively responsible for all orders and instructions given upon those subjects. The Secret Committee act only ministerially; their signatures to the secret despatches are necessary to ensure obedience to the orders conveyed by them to the Company's servants, with whom the Board of Commissioners have no direct correspondence.

252. Substantially, therefore, the political government in India does devolve upon the Board of Commissioners?—There can be no question about it.

253. In the view either of unity of action or promptitude in despatching business, what advantages have appeared to you to result from the co-existence of two authorities, circumstanced towards each other as you have described the Court and the Board to be?—With a view to promptitude and despatch, there can be no doubt that it is in a great measure affected by the circumstance that at least two sets of minds must travel over the same ground. Unless that be done, there can be no check; and as all proceedings of the local governments are examined and investigated most minutely, both at the East-India House and at the Board, it is obvious that more delay arises in giving orders and instructions to the governments of India than would occur if the government rested solely either in the Board or in the Court; but then you would lose the advantage of that check which, if I may presume to say so, I consider as invaluable with reference to the distance of India, and to the diversities of the languages, customs, manners, and religions of the people. I think that when arrangements ordered from home are likely to affect the interests of a people so situated and circumstanced, too much caution cannot be exercised in framing those arrangements, and that the mutual check of the Board upon the Court, and of the Court upon the Board, is exceedingly desirable; yet in order to preserve that check, and to render it effectual, you must put up with the disadvantage of delay.

254. Does any serious delay take place upon those great subjects of peace, war, and treaties, in consequence of their going through the double process of the Secret Committee and the Board of Control?—There is no such double process as the question appear to suppose. The secret despatches are the despatches of the King's Government; they are signed by the Secret Committee as a matter of course, and despatched without any question, the responsibility being absolutely and lawfully in the Board.

255. Do you mean to say that the Secret Committee has not the power of delaying it for a single day?—Certainly not. It would be at their peril to do so, if, owing to any unnecessary delay on their part, the good of the public service were to be injuriously affected.

256. That check you allude to does not exist in the course of the more important functions of the political government of India?—No. I will not deny that upon some occasions something in the form of a remonstrance may have been made by the Secret Committee, where they have taken a different view from that taken by the Board, but these are cases of extreme rarity. I do not recollect more than two or three instances in the course of many years.

257. But

257. But in the event of the direction of the affairs of India at home being vested in one body, would not the local government of India, under the Governor General, act in a great measure as a check upon the operations of the home government?—That is the case at present, I conceive.

258. Then there exists at present, in your opinion, more than one check?—There is the check of the India House upon the Board, and the check of the local government upon the government at home. I should think it a great misfortune if ever we should have a Governor General who would not undertake the responsibility of deviating from the orders he may have received, whenever the circumstances under which those orders were issued may have been materially changed.

259. Independent of the important question in whom the patronage now exercised by the Company should be vested, do you think that the advantage of having two separate authorities existing at the same time in this country, counterbalances the delays and inconveniences which have arisen therefrom?—I think it does. If I may take the liberty to say what my own private opinion is as to the most expedient mode of conducting the affairs of India, I should say, that perhaps it might be expedient to give to the Minister for India, however designated, the power of acting upon his own responsibility in respect to some matters other than those relating to war, peace or negotiation; I speak of cases in which it may be of importance to avoid delay: but, generally speaking, I repeat that there is great advantage in the check that at present exists. I should say, for instance, that in respect to systems, judicial or fiscal, it is of the utmost consequence that they should be maturely considered, and not decided upon until after free and full discussion between the Court and the Board.

260. Then you are of opinion that the Court of Directors, as it has been usually constituted, has an intimate knowledge of the feelings, wants and characters of the natives of India?—The Court of Directors has been usually constituted, in part, of persons who have held civil and military stations abroad, and who have acquired a good deal of information: the Directors have also the best opportunities of obtaining information from the Company's civil and military servants who resort to the India House.

261. Then you consider this check to be chiefly advantageous on account of the members of the Board of Control not possessing any local knowledge of India, and the Court of Directors naturally possessing a greater personal knowledge of the affairs of India?—I should say that the value of the check consists mainly in its insuring maturity of consideration and freedom of discussion; more especially when we have to deal with such questions as the comparative merits of the ryotwar and other systems of revenue management; the best mode of administering justice; and the degree in which the natives should be employed in civil and military offices. If questions of this nature were decided by a single authority, they might not be so well considered as when they have, as now, to pass the ordeal of two Boards, constituted as the Court and the Commissioners.

262. Does it happen to come within your knowledge whether, upon the occasion of the settlements of India, either the permanent settlement or the ryotwar system, the Court of Directors at home have had anything to do with it, or whether it has not emanated from the local governors in India; in one instance Lord Cornwallis, and

and in the other instance Sir Thomas Munro?—I am old enough to recollect what took place at the establishment of Lord Cornwallis's plan of permanent settlement. I know that a great deal of discussion took place in India between Lord Cornwallis and the present Lord Teignmouth, then Mr. Shore. Mr. Shore came to England, and I think that the plan of the permanent settlement was arranged very much between him, the late Mr. Charles Grant, and the late Lord Melville; but however, I must profess myself not competent to speak to revenue and judicial matters, my own attention having been mainly directed to the political department.

263. You do not perhaps happen to know the number of years of delay that occurred in regard to the matter of the settlement of Lord Cornwallis, on the part of the Court at home?—It is not in my recollection.

264. Do you not conceive that many of the advantages which you have described as in your opinion at present existing from the check of those two bodies upon one another, might be equally well attained if there were, as a necessary part of the Board of Control, some members who had a personal knowledge of the affairs of India?—In answer to that question I beg leave to say, that Sir John Malcolm, previously to the publication of the last edition of his Political History, did me the honour to consult me upon the subject. I think that in that work he does give it as his opinion that one or two of the Commissioners should always be persons who had served either in the military or civil branches of the Company's service abroad. I observed to him that His Majesty's Government already have the power of nominating such persons; but that if it were made imperative upon Government to appoint persons of that description, it would seem to imply that the President was bound to give more attention to an opinion coming from a member of the Board who had been in India than to another. This I think would occasion great inconvenience. As the parties are now in their graves, I may venture to say, that I have always understood that some inconvenience was found to arise from the circumstance of having an Indian secretary at the Board (it was at an early period after its establishment), and that the President found himself frequently annoyed by the obtrusion of opinions, to which, perhaps, the party offering them was inclined to attach more weight and importance than properly belonged to them, from the mere circumstance of his having been in India.

265. In the event of still further summary powers being vested in the President of the Board of Commissioners, as you suggest; and further, in the event of the East-India Company divesting itself altogether of its commercial character, do you conceive that any adequate public advantages would remain from the continued establishment of that body in a political capacity?—I certainly should say (though perhaps it may be only from long habit, and being so accustomed to what has existed for so many years) as I before said, that advantage does arise from two sets of minds going over the same subjects. We feel much more safe with respect to the effect of any opinions or orders that may proceed from home, when we know that those orders will be thoroughly sifted and examined, and objected to, wherever there is any ground for objection, and that the Board, before they finally decide, have the opinions of very able men. I allude more particularly to some of the officers at the East-India House, with whom I have had the pleasure of being acquainted: I will not hesitate to name Mr. M'Culloch and Mr. Mill; I should say

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that there is very considerable advantage in having all that can occur to such minds as their's before any great and important question is finally decided upon.

266. Are you not of opinion that, supposing a set of adequate minds were found to fill the functions of Governor and the Legislative Councils in India, that such councils would in effect be the best and most salutary check for the guidance of the Government at home?—After all the labour and thought that may have been bestowed upon Indian affairs by the authorities at home, I am of opinion, that India must, nevertheless, be governed *in* India; and, therefore, if a Legislative Council were constituted, and in full operation, I should conceive that it would relieve the Home Government of a great load of anxiety regarding matters which at present occupy much of their time and labour; but, however, this is a subject upon which I scarcely feel competent to give an opinion.

267. Is there anything in the qualifications of the body of proprietors of India stock so differing from that of the proprietors of Bank stock, or of any other public stock, as to enable them to form a superior judgment of the fitness of any individuals for being clothed with imperial powers?—I am not aware of any such difference, as far as my knowledge goes.

268. Does it appear to you, that there is any alteration in the composition of the Board for conducting the affairs of India which would essentially add to its efficiency in the discharge of the duties imposed upon it?—Previously to the passing of the last Act renewing the Company's Charter, having been private secretary to the President, and having in that capacity seen a great variety of plans and suggestions for the government of India, both at home and abroad, I took the liberty of committing to writing a few observations of my own, and submitted them to the President, Lord Melville. It was then my opinion, that whatever the Board are competent to do through the medium of the Secret Committee, might be as well done by direct despatches, emanating from a Secretary of State for India, addressed to the respective Governors abroad. I had at that time also a notion that in order to reconcile, perhaps, the British public to the creation of a fourth Secretary of State, it might be desirable to commit to his charge the eastern colonies, that is to say, the Cape of Good Hope, Mauritius, and the Island of Ceylon, so as to place them under one general system of government. Such an arrangement would give additional patronage to the Minister for India, and would consequently make it an office of such high rank as to leave him without any temptation to quit the Board for any other ministerial appointment. I can scarcely suppose that, under those circumstances, such a man as the present Lord Melville would have gone from the India Board to the Admiralty. Certainly he would not have gone from the office of President of the Board to be Secretary of the Lord Lieutenant of Ireland, as he did in the year 1809, when Lord Harrowby was, for a very few months, President of the Board. Upon the death of the Duke of Portland, Lord Melville returned from Ireland, and resumed his situation as President of the Board.

269. In this point of view, you contemplate the recent reduction of the salary of the President of the Board of Control from 5,000*l.* to 3,500*l.* as a public evil?—I have no hesitation in saying that it was most objectionable upon public grounds.

270. You have stated that the India Board consists of members removed on every change of Administration; it has been stated to the Committee that, generally speaking, the Court of Directors, subject to the removal of one-fourth of their number every year, is practically a permanent body; does not the circumstance of the Court of Directors being therefore so far a permanent body, and the India Board so far a fluctuating body, tend to give greater unity of action to the government of India, in so far at least as the government is vested in the Court of Directors?—I think that the circumstance of the Chairs being changed annually tends very much to lessen, if not to destroy, the character of permanency, alluded to in the question. With reference to the constitution of the Court of Directors, I conceive that the placing of men, who have held high civil and military situations abroad, to watch the progress of tea-sales, and to enter into all the buying and selling and shipping concerns of the Company, instead of being employed upon subjects with which their previous services must have made them familiar, tends greatly to lessen the utility that might otherwise be derived from the Court of Directors as a permanent body.

271. Is it within your knowledge that individuals, whatever station they may have occupied in India, and to whatever stations in the Court of Directors they may be placed on their election therein, are practically cognizant, or have the power of being cognizant of all the proceedings in such Court?—They have, I believe, the power of perusing all despatches.

272. You were asked as to the qualifications of those who happened to be proprietors of East-India stock, to judge of those to be hereafter clothed with imperial power with regard to India, are you aware of the proportion of individuals personally conversant with the affairs of India who have been so selected by such body of proprietors?—I am aware that some men who have acquired a very high reputation in India have been chosen by the proprietors to hold the office of a member of the Court of Directors: Mr. Edmonstone, for instance.

273. Are you not aware that a vast many others have been chosen whose names were never heard of in India?—Certainly.

274. Part, however, of the concerns of the Company being mercantile concerns, connected with the commerce of England, is it, or is it not, expedient that certain members of that body should consist of those personally acquainted with the domestic commerce of England?—I should say that it is obviously expedient that a certain portion of them should be persons of that description.

275. Therefore, though the names of such persons might not be known in India, their assistance, in administering the concerns of a great commercial corporation, the seat of which is England, might be serviceable?—We live in times when well-educated men, whatever their professions may be, pay such general attention to the philosophy of politics and commerce, that they may be very competent to tender opinions upon matters of state policy. I should say, that so long as the Directors act as merchants, as well as politicians, it is obviously proper that a certain portion of the members should be of the description stated in the question.

276. But in as far as such necessity exists on account of the union of the commercial with the political character of the Company, in so far its political efficacy, as a body, is diminished?—I conceive, that as commercial questions necessarily

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come under the cognizance of all governments, even supposing the East-India Company not to carry on commerce in their corporate capacity, still, as having a share in administering the affairs of a great empire, it would be desirable to have amongst them some persons who are acquainted with the principles of commercial policy.

277. Is it the result of your experience, and the impression on your mind, that, upon the whole, the Board of Control and the East-India Company have come into collision in any degree inconvenient to the public service, or, upon the whole, have gone on with a sufficient degree of harmony with one another?—On the whole, I have no hesitation in giving it as my opinion, that a very extraordinary degree of harmony has prevailed between the two Boards. The occasions on which anything like a serious collision has occurred have been very few indeed.

278. Do you ascribe that circumstance to the power that the Board of Control has of enforcing its own opinions summarily upon the East-India Company, or upon there having been, in general, a concurrence in the views of those two bodies?—Although I think that much good temper has been manifested on both sides, yet the Court of Directors have never scrupled to state, in the most manly and energetic terms, their opinions when opposed to those of the Board. Sometimes they have appeared (but I am speaking more of early days) to treat the Board rather unceremoniously; but yet, generally speaking, the tone of the correspondence that has taken place between the two bodies is, I think, highly creditable to both.

279. Has that general concurrence in the policy which you have stated to exist, been upon the increase or not?—Yes, I think it has. I think there have been fewer what might be called serious differences of late years than in former years.

280. Do you attribute the harmony you have described rather to an acquiescence in the powers of control exercised by the Board, than to their general concurrence in the views of the Board?—The general impression upon my mind is, that there has been very little opposition on the part of the Court of Directors, merely for the sake of opposition.

281. Is there much difference of opinion upon the general line of polity?—Speaking of the political department, I must say that the view taken at the India House has generally been perhaps more conformable to the views that were taken by Lord Cornwallis than those of the Board. It must be pretty well known, that during Lord Wellesley's administration the Court of Directors and the Board were at issue as to the policy pursued by his Lordship.

282. In short, you would say, on the part of the Directors, there was greater indisposition to adopt improvements and alterations than in the Board of Control?—I would not say a greater indisposition to adopt alterations or improvements, but what is termed the neutral system, has been more advocated at the India House than it has been at the Board, more especially during the period of Lord Wellesley's administration.

Veneris, 17° die Februarii, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.



PUBLIC or MISCELLANEOUS

17 February 1832.

Right Hon. T. P. Courtenay, M.P.

The Right Hon. THOMAS P. COURTENAY, a Member of the House, examined.

283. PREVIOUSLY to your appointment as Vice-President of the Board of Trade, for how many years were you Secretary to the Board of Control?—From August 1812, till May 1828, between 15 and 16 years; under five different Presidents, the Earl of Buckinghamshire, Mr. Canning, Mr. Bathurst, Mr. Williams Wynn and Lord Melville.

284. Upon the occasion of those changes, were all the salaried Commissioners changed?—No; not all always.

285. In what instances did it happen otherwise?—Under Lord Buckinghamshire, Mr. Wallace and Mr. Sullivan were Commissioners. Upon the appointment of Mr. Canning, Mr. Wallace resigned, and Mr. Sullivan remained so long as he remained in Parliament. Lord Binning succeeded Mr. Wallace, and Mr. Sturges Bourne succeeded Mr. Sullivan; they both continued through Mr. Bathurst's administration, but on the appointment of Mr. Williams Wynn, Doctor Phillimore and Mr. Fremantle were appointed; Mr. Fremantle was afterwards succeeded by Mr. William Peel, who was afterwards succeeded by Sir James M'Donald. On Mr. Williams Wynn's retirement, Lord Ashley and Lord Graham were appointed, and were at the Board when I left it. I should mention, that after resigning the office of Secretary, I was an unpaid Commissioner of the Board until November 1830.

286. Is it, however, usual in general changes of administration, for all the salaried Members of the India Board to be changed?—Decidedly; and the secretary also.

287. Has your experience during the period in which you were in office, rendered you conversant with the mode of conducting business, both at the India House and at the Board of Control?—At the Board of Control certainly; and in some degree at the India House.

288. Will you describe to the Committee the mode in which that business is conducted?—The Committee will perhaps allow me, in answering that question, to state the general duties of the Board, which I have some reason to believe are not sufficiently familiar even to the House of Commons. Under the Act of Parliament the Commissioners are appointed and sworn to superintend, direct and control all acts, operations and concerns which in anywise relate to the civil or military government, or the administration of the revenues of India. From the familiar use of the term Board of Control, it has often been supposed that the Board are merely to check, on great occasions, the proceedings of the Court of Directors;

Directors; but the terms of the Act and of the oath appear to me to impose upon the Board the duty of governing India to the best of its judgment and ability, and as fully as if there were no subordinate court. The Act of Parliament provides, however, that the functions of the Board, with some exceptions, should be exercised only by means of corrections made in despatches addressed to the governments in India, which are previously prepared by the Directors; and it has been generally held, though this doctrine is not universally admitted, that except in cases specially provided for, the Board cannot exercise their functions of superintendence and direction by any direct communication to the Court of Directors, or in any other way than through the despatches. With respect, however, to the despatches, I would observe, that in regard to all despatches of the highest political importance, the duty of the Board does consist, according to the express terms of the law, in the origination of the instructions which are to go to India; on all such high political matters concerning peace or war, or negotiation with any of the powers of India, the Board prepare the despatches, which are signed ministerially by the three members of the Court of Directors who compose the Secret Committee, and are not communicated without the Board's permission, and frequently are not communicated at all to the Court of Directors. It is not to be understood that upon all such subjects the despatches are so prepared and sent through the Secret Committee; but it is in the option of the Board to declare what subjects shall so be treated; and the power, in the period to which I can speak, was exercised very largely. In the same way the answers to such despatches, and all communications from India upon the same subjects, come through the Secret Committee to the Board, and are not known to the Court of Directors. I believe that certain very important discussions which took place in the Council of Fort William in the year 1814, are still kept secret from the Court of Directors.

On all subjects, whether political or not, the Board have a power of originating despatches; that is, they may require the Court of Directors, within the limited period of 14 days, to prepare a despatch upon any subject which they may name; and with such despatch, as well as with all other despatches upon any subject whatever, not commercial, they may deal at their own pleasure, so as entirely to alter all its expressions and its whole purport, and this was in my time often done. I have mentioned, that it has not been universally held that the Board are restrained from giving directions to the Court, otherwise than through the despatches. The present Lord Eldon, when he was either Attorney General, or high at the bar, gave an opinion that the Board might order the Court to do an act connected with the government of India by a direct mandate to the Court; but this opinion has never been acted upon, and I do not take upon me to say that it is a sound one. To the best of my recollection, the case was one of the payment of money for the expenses of the trial of Mr. Hastings. If these payments were not considered as a gratuity, a point upon which I shall presently have occasion to say the Board's power is restrained, they might have ordered the payment to be made in India, by altering a despatch to that effect. Lord Eldon's opinion was, that they might order the Court to pay the money in London.

The exceptions to the powers of the Board are these; they cannot increase any salary or allowance, or direct a grant of any gratuity, nor can they appoint any person

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person to an office. Whether they can establish salaries or allowances of any sort, without reference to the particular persons who are to enjoy them, and whether they can create offices, are questions that have been more than once mooted between the Board and the Court, but have not been decided by the consent of both parties. The law requires, that for alterations made by the Board in the Court's despatches, the Board shall give "reasons at large." The Court has a right to make a representation against any such alteration, but the decision of the Board thereupon is final. The only case in which there is any appeal from the Board, is a case in which a question arises whether the alteration made by the Board, does or does not come within the description of a concern relating to the civil or military government, or the revenue: I believe that only one such appeal has occurred since the formation of the Board; the appeal lies to the King in Council. The prescribed mode of exercising the Board's powers, and the limitations to which they are subject, give rise to many anomalies; for instance, the Court of Directors have a power, without the sanction of the Board, to recall a Governor, or any one of their servants; but the Board, on the other hand, have an absolute power of framing the despatch in which the decision of the Court is conveyed to India, and I believe it is not an exaggeration to say that the Court having, for reasons assigned, recalled a Governor, the Board converted those reasons, which of course were criminatory, into paragraphs commendatory or at least excusatory; the despatch nevertheless necessarily terminating in the recall of the individual. Another anomaly is this; the Board have no control over the communications made by the Court to any persons in this country; the Court may therefore write a letter in London, communicating a view of a subject, or of the case of an individual, and may then be obliged, or may even have been previously obliged, to take a totally different view of the case in a despatch sent to India. The Committee will observe that I am not putting fanciful cases, but cases which have occurred.

289. You have stated that the Board are required to state their reasons at large for proposed alterations in a despatch sent out; in the event either of their ordering a despatch to be sent, or in the case of sending out their own despatches through the members of the Committee of Secrecy at the India House, are they in either of those cases called on to give reasons?—In despatches through the Secret Committee, not; they give no reasons; the despatch goes down to the India House with an order for its being immediately forwarded to India, under the signature of the Secret Committee, nor can the Secret Committee make any representation against it. With respect to despatches which the Board order to be prepared, they must, if they alter the despatch so prepared, give reasons in the same way as if the despatch had been originally suggested by the Court; but they need not give reasons for the first order, which is merely to prepare a despatch on a particular subject; indeed I remember a case in which the Court found fault with the Board for accompanying the peremptory order, which they had a right to issue for the preparation of a despatch on a particular subject, with the view of the Board of what ought to be said upon the subject.

290. With the exception, therefore, that you have stated, the powers of the Board are paramount?—Certainly. I ought to have mentioned, that under the last Charter

Charter Act of 1813, a power was given to the Board over the College at Haileybury and the Military Seminary at Addiscombe. This power is exercised without the intervention of a despatch to India; the regulations of these institutions are subject to alterations by the Board, and these powers have been constantly exercised. There is another power which the Board has to exercise independently of the despatches. The Act of 1813, for the first time, established a separation between the political and commercial finances of the Company. The mode in which this separation is effected is under the absolute control of the Board, whose directions thereupon have been given in opposition to repeated remonstrances of the Court. The Board have also a power of directing permission to be given by the Court to any individual to go to India, and they are not required in this case to state their reasons.

291. Have these powers also been practically exercised in overruling the refusal of the Court to grant permission to individuals to go to India?—Repeatedly; there is a function belonging to the Board, though perhaps I should say, to the President, (it is not of course the subject of any Act of Parliament, or even of any formal regulation,) which nevertheless it may be right to mention here. The President is the officer from whom the recommendations of officers of the Indian army for the honours of the Bath proceed. In the exercise of this function, so far as my experience goes, he acts quite independently of the Court of Directors. The Act of 1813 also requires that the warrant for nominating a bishop of Calcutta, or for preparing any letters patent, relating to the see, should be countersigned by the President. This is another matter in which he acts independently of the Court. I have said that the Board is restrained from taking part in the appointments to office; I should say, however, that the Governor General and the Governors of Madras and Bombay, and the three Commanders-in-Chief cannot be appointed by the Company without the approbation of the King. The warrant of approbation is countersigned by the President, who is therefore the responsible minister on such occasions. This approbation has been repeatedly refused. Although the Board can neither appoint or dismiss a public officer in India, the King has the power of dismissal, by warrant under His Sign Manual; these warrants also are countersigned by the President, who is responsible for them. I know but of two cases in which this power has been exercised; first, in the recall of Sir George Barlow from the supreme government, and secondly in the dismissal of a person of much lower rank, accused of malversation in office.

292. Will you state to the Committee the mode of conducting the business in the departments of the India Board?—The Committee will observe that the mode prescribed by the Act, of giving reasons at large for every alteration, would, if extensively used, produce an enormous and inconvenient mass of controversy. In order to prevent this, it has been the practice for many years, if not from the beginning, for the Chairmen of the Court of Directors, and I believe the Committee of Correspondence, to send up to the President, previously to their being submitted to the Court at large, drafts of the despatches which it is proposed to send out; this is an unofficial, or is technically called "a previous communication." These drafts, or previous communications, are dealt with by the Board as they think fit, and are returned, as they are altered, to the Chairs; but these alterations are, in truth, only suggestions

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suggestions or intimations of the Board's future intention, and the Chairs and the Committee of Correspondence may or may not adopt them. The practice of adopting or not adopting alterations thus unofficially suggested has varied very much, according to the degree of confidence and good understanding existing between the President and the Chairs. Although there is no formal letter of reasons for such alterations, they are usually the subject of much personal communication. I conceive that if the alterations made in the previous communications during the long period of my experience, had been all resisted by the Chairs, and made the subject of a formal and official proceeding, it would have been almost impossible to conduct the government of India, unless either the Board or the Court would have at once given way. One effect of this mode of doing business is, that an inspection of the official drafts and letters of reasons gives a very imperfect idea indeed of the extent and of the nature of the superintendence and control exercised by the Board. In some departments, especially in the revenue and judicial departments, that control was exercised in Lord Buckinghamshire's time; and subsequently, to a very great extent indeed, in matters involving great principles as well as in matters of detail. A very great proportion of the proceedings of the Board on this occasion was unofficial. I may here mention that the system known by the name of Sir Thomas Munro's System, was the work of the Board, and in many parts of it was opposed by the Court. The same observation applies to many matters concerning the revival or maintenance of ancient native institutions, and the employment of natives in public functions. I mention these circumstances without giving any opinion upon the propriety of the Board's conduct in these respects, and only to show the very great share which the Board has actually had in the Government of India.

293. You said there was a difference of opinion between the Court of Directors and the Board of Control, on the subject of the employment of natives; was it the Directors or the Board of Control who were most favourable to the employment of the natives?—The Board of Control, most decidedly; as in the case of the introduction of the Punchayet, or native juries. Resuming my observations on the interference of the Board, I would say, that a very great part of the arrangements concerning the Indian army, its formation, and the allowances to the officers and men, has been the work of the Board; and I think it right to take this opportunity of saying, with the permission of the Committee, that it is extremely unfair to visit upon the Court of Directors all the offences against the feelings or interests of the Indian army, of which complaint has been made of late years; for all this the Board are ultimately responsible, and they have acted in some particulars with, and in others without, the approbation of the Court. In political matters I have already said the Board originates the most important despatches, but upon some of the matters which have not been reserved by the secret department, but have been treated by the whole Court in the political department, the Board has taken a very great part, and has frequently been at issue with the Court. As one instance only, I will mention the question of encouraging or not encouraging native princes to maintain troops disciplined in the European mode. I only mention this as it occurs to me, being an important point; but the occasions are very numerous in which the Board has interfered.

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interfered. I wish the Committee to understand that, while I endeavour to impress upon them the extent and importance of the functions performed by the Board, because that is the point to which the questions put to me are directed, I should be very sorry that it should be collected from my testimony, that the Court of Directors was, during my experience, either inefficient or mistaken in its views. On the contrary, some of the Directors, and most of their servants, have shown very great diligence and ability; and I by no means maintain that where the Court and the Board have differed, the Board was always in the right. I believe that neither body, as at present constituted and assisted, would have well administered the functions imposed upon the two, if either had been without the assistance of the other.

294. During the period that you were at the India Board, did any material change take place as to the mode of transacting business within that department?—A very material change had taken place a few years before I was appointed. In the year 1807, the clerks of the India Board were divided into departments corresponding with the departments of the India House, and it was the duty of the head of each department to make himself perfect master of all matters connected therewith, and to report upon every paragraph sent from the India House in his department. I believe that the Committee has already before them some details on the subject, my object is to inform them that this arrangement only began about the year 1807. I have reason to believe, from information from persons who were in office before me, and particularly from one most efficient and valued individual, whose name has been often mentioned in the House of Commons, and who is now dead, Mr. *Cumming*, that previously to this arrangement of 1807, the functions of the Board were performed in a much less satisfactory manner, and that neither the president nor the members, still less the permanent officers of the Board, had any detailed knowledge of what was going on in the several departments in India, or took any concern in matters which did not excite the attention of Parliament or the public. The departmental reports, in my time, were made in the first instance to me, and I believe I may say, that from about a twelvemonth after my appointment, I continued to inspect and advise upon all matters arising in all the departments, until about one or perhaps two years before I quitted the office, when I found it absolutely impossible with safety to my eyesight to work as I had worked. I doubt whether one secretary can perform the duties of all the departments. I ought to say, that during the period to which I refer, we had some very efficient commissioners. As they were not all equally efficient, the Committee will probably excuse me from mentioning names; but in reference to the course of business, I should say that the departmental reports, with those of the secretary upon them, sometimes went direct to the president, and sometimes to one of the commissioners. The commissioners, generally speaking, took respectively particular branches of business; and although I am not prepared to say that the arrangements of the office and of the business between the president, the commissioners and the secretary, was the best that could be devised, I do think it my duty to say that most efficient and valuable services have been performed by the several commissioners.

295. According to the constitution of the India House, the whole of the more important and political business is conducted, is it not, through the Committee of Correspondence?—So I believe.

296. Are

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296. Are you aware how the selection is made of Directors who sit upon that committee?—They are selected entirely by seniority, excepting that the chairman and deputy-chairman are upon that and all other committees; the other members of the committee are chosen by seniority.

297. May it not therefore happen that men of the greatest experience and ability in the direction, may never arrive at a participation in the more serious administration of the affairs?—It frequently so happens; gentlemen who come from India, having been in high situations, such as members of council, seldom can return until they have attained an age which makes it at least very doubtful whether they will attain to the Committee of Correspondence during their lives, or during the period of their efficiency.

298. It appears that the Court has no concern in originating the more important portion of the political correspondence with India; what practical advantage has appeared to you to result from their possessing a power of originating the despatches in all other cases?—The Court of Directors certainly do possess a detailed knowledge upon some points, which the Board, as at present constituted and with its present establishment, does not possess; and I do not conceive that the Board would at once be competent, without further arrangement, to originate any but the more important despatches referring to general principles and higher subjects of government.

299. Has the existence of these co-ordinate authorities, in their several relations to each other, tended, in your opinion, to promote the despatch of the public business of India, or otherwise?—To retard it in a most extraordinary degree, and in retarding it to make the whole more unsatisfactory. The length of time that elapses between an occurrence in India, which is the subject of a despatch, and the receipt in India of the opinion of the home authorities thereupon, is necessarily very considerable under any circumstances. Some not inconsiderable time must be taken up in England, in preparing the answer to the despatches, but the time is increased in an immense proportion, by the necessity of every despatch going through the two establishments, and being in many cases the subject of lengthened controversy between them. The consequence is, that by the time of the despatch's arrival in India, very often circumstances have really changed, or if they have not, there are sufficiently plausible grounds for the Indian government alleging that they have, so as to furnish an excuse for not complying with the instructions, if they are unpalatable; and then comes another reference home, that occasions a similar delay, and when the instruction gets out a second time, of course the chances are very much greater that there has been a substantial alteration in the circumstances to which they were intended to apply.

300. Have you not known instances in which the delay occasioned by the circumstances you mention, has extended even to several years?—Certainly, upon many very important points. I should say upon this, that there is sometimes very unpardonable delay in India in answering the despatches, and these two evils aggravate each other.

301. Was the subject of these despatches of a pressing nature, or involving a general view of policy?—Unquestionably, the despatches respecting which there has been the greatest delay, were despatches relating to general views of policy; but

but I should make the same remark to many cases of a much more pressing nature. I have no doubt that the immense length to which the despatches both from India and to India are habitually extended, and the great voluminousness, almost proverbial, of all Indian writings, has been a very pregnant cause of the delay and inconvenience that has occurred.

302. Is not the delay that you have mentioned an evil of such magnitude as to call, in your opinion, for an alteration in the system of the two authorities as at present constituted?—It is perhaps difficult to answer that question without giving something of an opinion as to the propriety of continuing the government in the hands of the Company, a point upon which I am sure the Committee will allow me to reserve my opinion to be stated in my capacity of a Member of Parliament; but I have no hesitation, with that reservation, in saying, that I conceive that the government of India, in all its branches, might be conducted by one body or by two bodies, having a very different relation to each other from that which now exists between the Court and the Board, with much greater facility, and much greater advantage of every kind; but I am not aware, that supposing the administration of the government to continue in the hands of the Company, any very material alteration can be made in the present system, as it applies to the powers of the Court and Board. Some anomalies might be corrected, no doubt, but so long as the Company shall be in India, and ostensibly the executive governors, I am not prepared to say that their powers could be materially diminished; and if they are not diminished, I do not see any way to a remedy of the inconveniences to which I have referred. I beg, however, that the answers I may give on these points may be taken as not committing me to any decided opinion on the subject.

303. When, therefore, you stated to the Committee you conceived that neither the Court of Directors, as at present constituted, nor the Board of Commissioners, as at present constituted, could separately have efficiently conducted the government, you did not mean the Committee to understand, that by an alteration and adaptation of their several powers and authorities, an efficient government might not be composed?—I do mean to say, that it is my opinion that one body might be formed to conduct the government of India. If that body were formed upon the present Board, I do not know that it would be necessary to do much more than to give it (it might be done in various ways) the assistance of some practical Indian functionaries, and in the first instance certainly, some of those who had taken a part in Indian administration at home.

304. You have stated that one of the things that would be necessary, in case of throwing the whole charge of the Indian government on the Board, would be to have some of its members acquainted with the affairs of India personally; do you not also think it would be right to have some of its members more permanently attached to the Board than is the case at present?—I believe I did not state that any of the members of the Board should be practical Indians; I thought it necessary that they should have the assistance of some practical men. I have no hesitation in saying it would be desirable that some persons of higher authority than the assistant secretary, who is now the senior permanent officer, should be permanently established at the India Board. I will however take the liberty of saying, from considerable experience, that in my opinion the advantage of permanent



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manent officers, in a particular department, is very greatly overrated. Unquestionably, in an Indian department it is more necessary than in any other, in consequence of the very peculiar nature of the duties performed; but I speak from observation, I may almost say, consciousness, when I say, that unless a public officer has promotion to look to, and the gratification of an ambition which only belongs to a political man, he will not, for a very considerable time, perform the duties of any office with the zeal as well as diligence that is required.

305. In whom is vested at present the power of legislating locally for India?—By the Governor General and Council at Calcutta, and the other two governors in their respective provinces; the Governor General and Council having an authority over the others.

306. Has any alteration in the system of the councils ever appeared to you likely to lead either to the better government of India locally, or to the diminution of the pressure of business at home?—I cannot satisfactorily answer that question; I am not sufficiently acquainted with the mode of transacting business in the councils in India, nor have I given that attention to the subject which would enable me to do so.

307. One of the great difficulties with which the Legislature had to contend in constituting the present home government of India, was, I apprehend, the distribution of the patronage, was it not?—I apprehend so.

308. Will you state to the Committee how the patronage of India is at present divided; what portion of it is vested in the Crown, what portion of it is exercised by the Court of Directors, and what portion by the local government in India?—The Crown has no concern in the patronage of any Indian functionaries who are under the superintendence of the Company, except in the way I already alluded to, approving the appointments of the governors and commanders-in-chief. The Crown has the appointment of the judges and of the bishops, and of course of the commanders-in-chief, and all other officers of its own army; the whole patronage of all other appointments, from that of Governor General, subject to the veto I have described, to that of the lowest writer or cadet, is in the hands of the Court and its governments. The Court appoints from home, besides the governors, the members in council, which are the highest appointments, and it appoints also to writerships and cadetships; the intermediate appointments, generally speaking, are in the hands of the local government, subject to certain rules and restrictions imposed by the Act of Parliament, which prevents a person from holding offices, having a given amount of salary, until he shall have served a given numbers of years in India.

309. You have enumerated the situations of Governor General of India and the Governors of the other provinces, as a part of the patronage of the Court of Directors, subject to a veto on the part of the Crown; practically speaking, is not the reverse the case; have not the appointments been made subsequently by the Crown, subject to the rare instance of a veto on the part of the Government?—I should say, certainly, that the Crown has had the larger share in most of these appointments; I am not sure whether the expression "rare" does not convey too slight an idea of the part the Company has had. So far as my experience goes, appointments took place very rarely indeed without much communication, and

generally

generally a compromise between the President of the Board of Control and the Chairmen of the East-India Company. This sort of thing has happened: the Court have consented to a particular appointment to one Presidency, on the promise that they shall have one of their own servants appointed to another.

310. The patronage, then, of individual Directors would appear to be confined to that of writers, cadets and assistant-surgeons?—I believe so.

311. It is only from the writers so sent out by individual Directors that the Governor General, and Governors of the Presidencies in India, are enabled to select servants to fill the highest public functions in India?—Certainly.

312. Do you happen to know what is the qualification required of writers so sent out?—At this moment I do not recollect what the qualification is, or even what it was when I left the Board. The Committee is aware that, by the last Charter Act, all persons are required to spend four terms in the college; that has since been repealed or suspended, and some of the persons going out undergo an examination in London. I believe that the test to which these writers are subjected is not so severe as that to which they are subjected at the college. Though I do not recollect the exact terms of the test, I do remember that it was my opinion, an opinion ineffectually urged at the time, that the test established when this act of suspension took effect, was not the most judicious. I remember particularly that a certain proficiency in mathematics was required: many young men who had gone through a school with tolerable credit, and had become as good classical scholars as boys of 16 or 17 generally are, were totally ignorant of mathematics when they began to study for their examination; in the time allowed, they could only acquire just as much of that science as would enable them to pass, and I believe that what they acquired was at the expense of time that would have been much better employed; it does not carry them on far enough to be of any use, and is afterwards generally entirely neglected. I know that it was the opinion of many of those concerned, that the time employed in mathematics might have been very much better employed in learning the elements of some of the Indian languages, or even in general literature.

313. From your experience of the character of the Indian servants, what is your estimate of their general capacity, diligence and public qualities; those from whom the Governors are to select the different functionaries of the Indian empire? —That is a very difficult question indeed to answer, because it is a remark that almost every person has made who has been concerned in Indian affairs, that gentlemen who, when you read their writings, appear to be extremely sensible and well-informed men, quite fail when you come in contact with them in England. It would be injustice not to say that there is a very great proportion of intelligence and diligence, and zeal and knowledge among the Indian functionaries, but I feel myself bound to say that the character of superiority which has been constantly given to them, is not warranted by what I have observed.

314. You have referred to the proverbial voluminousness of Indian despatches, and said that you find the character of Indian functionaries, estimated by their writings, would be higher than what might be estimated from personal observation; does not a proverbial voluminousness necessarily attach to a correspondence conducted at the distance of half the globe, where, if anything is omitted, you have

have to retrace thousands of miles to supply the omission; and does not a great part of the business necessarily consist of despatches carried on between the different presidencies?—That is unquestionably true; but a great portion of the voluminous proceedings to which I refer, consists of general disquisitions, and observations upon general principles; sometimes extremely obvious and almost trifling, which cannot in any way tend to inform the authorities to whom such writings are addressed.

315. Do you conceive that the nomination of individual Directors is the best mode of securing to the public a fund of public functionaries competent to the discharge of the very high duties which devolve upon the Company's servants in India?—I think not.

316. Does it not appear to you that some mode, by public competition, might be resorted to, for the better securing such knowledge?—If I were to arrange *ad libitum* the Indian patronage, I rather think that I should establish almost every possible variety of method of selection, and certainly that to which the question refers among the others.

317. You are acquainted with the institution at Haileybury, and the East-India college at Calcutta; are you aware how far these two institutions for the education of the civil service of the Company, have or have not answered the objects proposed?—With respect to the college at Calcutta, I know very little; but I never heard much good of it. As to the college at Haileybury, it is a matter of great controversy; but I am bound to say that the tendency of the despatches which I have read from India, up to the period of my quitting office, was to establish a superiority in the persons who had been at the college over those who had gone to India before the college was established. Whether the writers from the college now preserve their superiority over the writers who go out under the new Bill, without having passed the college, I really do not know.

318. Do any insuperable obstacles present themselves to your mind as to the possibility of separating the commercial and political functions of the Court of Directors?—I am clearly of opinion that the separation may be carried further than it has been carried by the Act of 1813. I do not think there is now, with respect to the operations subsequent to 1814, any very material confusion; but I am satisfied that the separation might be carried further, and with the leave of the Committee I will mention a suggestion that occurred to me, and which I made to the Board some years ago. I conceive that the most effectual way of marking the distinction between the political and the commercial characters of the Company would be this: to take from the government in India all concern with commerce, which would therefore no longer be the subject of correspondence between the Court of Directors and the Government. I would have the Boards of Trade at the several Presidencies, the agents and correspondents of the Company in its commercial capacity. The Board of Trade of course cannot issue regulations having the effect of law; it would therefore be impossible that any enactment giving an advantage to the Company could find its way, as has been supposed to be the case, into a Government Regulation. The Board of Trade would stand in the same position as to the Court of Directors, as the agent of any private merchant stands in to him; under this arrangement it would not even be necessary for the Board to

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see the commercial despatches. The Board of Trade would have no further authority over the subordinate functionaries in India than a mercantile man has over his subordinate agents.

319. Do you mean that the subordinate agents now employed in India in the commercial department could or could not continue to be appointed by the existing authority, whether at home or from the local government, in their respective Presidencies, or do you mean they should be appointed in any degree by the new Board of Trade?—It would not be a new Board; but I do not apprehend that that is a matter of importance; the Court of Directors would make such arrangements in that respect as they might think best; at present a commercial functionary is quite taken out of the control of the Board at home; so much so, that in my time the Board declined to interfere, though very strongly urged to it by the parties, in the case of a question of rank, or of a person charged with malversation, that arose in one of the commercial offices; although applied to, the Board conceived they had no power, and declined interfering.

320. You stated that the Board has by law no share in the distribution of India patronage?—Certainly.

321. Has not some share in the patronage of the writerships and cadetships been given to it by an arrangement with the Court of Directors?—Such an arrangement certainly has existed for many years, perhaps always. I have understood, that at the first formation of the Board, questions did occasionally occur between the President and the Court, as to a participation of the President in the patronage. It was natural that he should occasionally wish to have some appointments in his own gift, and it was thought on all hands, that it would be a better arrangement, that a given proportion of each sort of patronage should be assigned to the President as a matter of course. It is not certainly in law his absolute right, but it has become almost so, and therefore that arrangement naturally avoids the interference of questions of patronage, in the discussions between the Chairs and the Board, which otherwise might be very inconvenient. For instance, it would be extremely objectionable that the Court should be tempted to withhold one or more writerships from the President, according to the mode in which he might happen to treat them; all that evil is avoided by the present arrangement, which only gives to the President a moderate share of the patronage.

322. Do you know what the share is?—The share is equal to the share of one of the Chairs; the share of one of the Chairs is equal to two shares of a Director.

323. The Commissioners and Secretary have no share?—I am sorry to say, none.

324. Do you think it would be possible to appoint a Board in India to have the appointment of writers; for example, the Governor, two members of the Council, and two or three of the principal servants; the writerships to be given by public examination before them?—I do not see how the appointments could take place in India; there are no persons from whom to select them; there is no public in India from which you could take young men for writers; any public competition must be exercised here in England.

325. But if this plan was adopted, it would be necessary that those who intended to be candidates for the office of writer should go out to India, and there complete such

such an education as would qualify them for the office. The acquirement of the languages of India must be much more easily made in that country than in this?—Yes; but I apprehend in that case, such a host of candidates would go out, as to supply probably half a dozen for each writership; the five unsuccessful ones would be left in a most deplorable condition, having incurred great expenses, and having no means of getting a livelihood.

326. Do not any other modes suggest themselves to your mind, by which the writers might be appointed more beneficially than at present with a view to the public interest, and at the same time without making the addition of the patronage to the Government?—That question divides itself into two branches. As to the first, the appointment of writers more beneficially to the public interest, I wish to explain, that when I answered some time ago the question put to me as to the appointment by the Court of Directors, I had in view not so much the inferiority of the persons appointed by the Directors to the writers who might be appointed on competition, for I conceive that no competition could take place which would really bring to the test the capacity of any individual for the office to which he was appointed in India. The evil sometimes appears to me to arise from the functionaries in India being too much of one sort; at the same time, I am not at all aware that this could be remedied without producing greater evils. I mean, that I am not aware that it could be possible to infuse into the Indian service the benefit, which it is almost universally allowed is felt in the army and navy, of the apparently partial and accelerated promotion of individuals favoured by birth or fortune. I believe that something of that sort would produce advantage in the Indian service; but on the other hand, I am not prepared to say that it would not be attended with more than corresponding disadvantages. I conceive that, besides public competition, a new arrangement of the patronage might introduce writerships and cadetships as the most appropriate and the most acceptable reward to civil or military officers who had distinguished themselves. I apprehend that even if economy were to be considered, there are many cases in which such an appointment would stand in the place of a not immaterial portion of salary or allowance; but at all events, it strikes me as a most appropriate reward, and although it certainly ought not to be carried too far, so as to make Indian appointments hereditary, I conceive that it ought to be adopted to a certain degree. With respect to the first appointment to India generally, I have observed, that as no scheme contemplates an absolute appointment, I mean no appointment independent of some previous examination, these appointments might be given to persons holding particular situations, without in any degree increasing the patronage of the Government, on which point, whenever any question of Indian government has been considered, there has been so much natural jealousy. I mean, for instance, supposing there is public competition to a certain degree, appointments by way of reward, and perhaps some appointments given to public schools or institutions. If these did not supply all the writers or cadets that might be necessary, the patronage might be given in rotation to one or more of very many bodies that might be named. Cities might have a proportion. Even such functionaries as sheriffs of counties, privy councillors, a body mixed up of all parties, among whom the patronage would come round so very rarely as to put any probable influence quite out of the question. I mean this not with



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with a view of recommending any particular choice, but to show that it does not necessarily follow that the patronage being taken out of the hands of the Company swells the power of the Government.

327. The last answer has referred to various modes of removing the jealousy that might arise from the transfer of the patronage now possessed by the East India Company to the Crown or its ministers. Are you aware what is the consideration that induces gentlemen to devote their time to the service of the East India Company, to the Court of Directors. Is it their salary or any other emolument?—Most decidedly the patronage is a very leading inducement; but the case contemplated in my answer is a case in which the Court of Directors is supposed to be abolished. My object was to show that if the Legislature is determined to transfer the administration of India from the Company to the Crown (a point upon which, I beg to be understood, I give no sort of opinion), the patronage which has been supposed hitherto to be a great obstacle to such an arrangement need not be any obstacle at all.

328. Would not the consequence of such a transfer be, that the future government of India would have no choice of those of its servants whom it might distribute to the different branches of Indian administration?—I do not know that in any answer I have given I have referred to that point at all. According to my view, if such a transfer took place, no sort of alteration could be made as to the distribution of the patronage in India, or any appointments between that of Governor-General and writer; except that I do conceive that the memberships of council, now appointed by the Directors, might, in that case, be filled by the Government at home; always subject to some restrictions as the Act now provides, or any other that may be thought better. The only new patronage the Government would get would be this: the absolute appointment to the governorships instead of the great share they now have; and the appointment to the memberships of council.

Martis, 21° *die Februarii*, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

JAMES MILL, Esq. called in, and examined.

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328*. You hold the office of Examiner of Correspondence at the India House?—Yes.

329. How long have you held that office?—About 18 months.

330. Will you describe what is the nature of it?—The Examiner is the superintendent of the office in which the Political, Revenue, Judicial and Miscellaneous branches of the correspondence with India are carried on.

331. It is in the nature then of the office of one of the principal secretaries?—Yes.

332. Will you state to the Committee in what manner the correspondence is conducted with the Court from the several local governments, and in what manner it is communicated from the Court to the Board of Control?—Letters upon all the several subjects are received at the India House from the supreme government and the other presidencies, and along with those letters the documents to which they refer. A general letter, in any one of the departments, from the Government to the Court of Directors, is a notice of the subjects of the correspondence in that department between the subordinate officers in the different parts of the country and itself, with minute references to the correspondence that has passed between them, all transmitted to the Court. When those letters of the Government arrive at the India House, they are laid before the Court of Directors, and read either short or at length, as the importance of the subject may seem to require. Abstracts of them are afterwards made, paragraph by paragraph, a copy of which is put into the hands of each Director, and afterwards they are recorded in books, as soon as the documents to which they relate have all arrived, or as soon as the progress of the correspondence will permit; those letters are taken in hand for answer; drafts of replies are prepared. The correspondence with the subordinate officers in India referred to in the letters, that is, the papers relating to the subjects treated of in the several paragraphs, are taken out of the books in which they are sent home, that is, are copied afresh, and done up in volumes, greater or smaller according to the amount belonging to each of the subjects. These volumes are, at the India House, called collections; they are read and examined by the officer who prepares the draft: the letter is answered paragraph by paragraph, the paragraphs numbered and the draft so prepared under the direction of the Chairman and Deputy Chairman, and approved by them, would in the regular course be submitted to the Committee of Correspondence, to be approved or altered by them, and after being approved and passed by them would go before the Court of Directors. After it has passed the Court of Directors, it then goes to the Board of Commissioners, who are empowered to make any alterations, but required to return it within a limited time, and with reasons assigned for the alterations they may have made. Experience, however, suggested the convenience of an intermediate step, which I believe has been explained to the Committee already. In the communications which take place between the Chairman, Deputy Chairman, and the President of the Board respecting the business in progress, it has grown into a practice to communicate drafts when prepared to the Board. This is called "previous communication," and generally it is in those previous communications that the principal alterations thought expedient by the Board are made. The drafts, altered or not altered, are returned to the Chairman, because not having yet been before the Committee of Correspondence, they are his, and not the Committee's drafts. He approves, or does not approve, of the alterations that have been made at the Board, and alters or leaves them as he may think expedient. After he has agreed upon what the draft shall finally be, it then proceeds through the Committee of Correspondence, and the Court, and afterwards to the Board officially, in the manner I previously mentioned.

333. When you use the word "committee," you mean the Committee of Correspondence of the Court, which consists of the nine senior members of the Court?



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Court?—The nine senior members of the Court, and the Chairman and Deputy Chairman.

334. The Governors and Council then of the subordinate presidencies correspond directly with the Court, as well as the Governor General and Council?—Yes.

335. On the receipt of their public letters, to whom are those letters in the first instance communicated?—They are carried to the Secretary's office in the first instance, and, according to the subject, are distributed to the different departments. Those in the political, revenue, judicial, and general departments come to the Examiner; those in the military, go to the Military Secretary; and those relating to finance, to the Auditor.

336. Will you state to the Committee what is the construction of the local governments and councils at the several presidencies in India?—There are three presidencies, the Bengal, the Madras, and the Bombay presidency; and the constitution of the council is the same in all. There is the president, two civil members, and the commander-in-chief, at each of the presidencies. The president and council in Bengal have a superintending authority over the other two presidencies, and the power of giving peremptory directions.

337. Do you mean to say that this authority would extend to supersede any act done by a Governor and Council of a subordinate presidency?—Yes.

338. The Governor General is himself a member of the council of Fort William?—He is a part of the local government; he and his council have the local government of the presidency, and in addition to that a power of control and supervision over the other presidencies.

339. Does not the authority of the Governor General in Council supersede that of all the rest of the council, in case of a difference of opinion?—The Governor General may act on his own responsibility in opposition to his council. The Governor General in Council can send orders to the governments of the subordinate presidencies as to any officer within his own presidency; and when the Governor General repairs in person to any of the subordinate presidencies he presides in the council, takes precedence of the president as a matter of course.

340. Have the Governors of the local presidencies the same degree of authority; does their single vote counterbalance that of the members of the council?—Yes; they may act upon their own responsibility in any case in which they differ from the council.

341. Has it appeared to you from your experience in Indian affairs, that any public inconvenience has arisen in Bengal from the union of the details of the government conducted by the Governor in Council with his general and supreme control as Governor General?—It has long appeared to me that the two classes of duties are, to a very great degree, incompatible. This, I think, is apparent, from considering what the business of the controlling and superintending authority really is. I consider it as dividing itself into two parts. One I should call its legislative duties, the making of laws to govern and regulate everything throughout the whole country; the other its duties of supervision and control over every institution and functionary in India. But the detail of business in the local administration of such a territory and population as that under the presidency of Fort William, is enough to absorb the whole time and attention of the authority to which it is confided.

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Of course the still more important business of general legislation and general control is ill performed. In fact, from the footing on which the several presidencies originally stood, the Governor General, though invested with controlling authority, has hardly ever considered himself entitled to interfere, except on extraordinary occasions, which made a particular call. The presidencies being originally established with equal authority, and involving in their powers everything necessary for the government of their own presidency, the Governor General in Council seem to have considered their new controlling power as meant only for extraordinary cases; so that the other presidencies have, in their ordinary business, proceeded very much without control; and in regard to the great presidency of Fort William, as the controlling body and the administrative body are the same, there is, by the supposition, no control at all.

342. By what agency would the business of the general control in your opinion be best conducted?—The supreme, by which I mean the superintending government, in whatever manner it might be composed, whether according to the present plan of a Governor and Council, or upon any other plan, should not, in my opinion, be loaded with the details of a local administration at all: it should be wholly exempt from the duties of local administration, and have for its sole business the task of legislating for the whole empire, and performing the business of general control and supervision.

343. Suppose the Governor General of India, in room of the existing governors of the several presidencies, had a certain number of lieutenant-governors appointed under him, who should communicate with him, and that the correspondence between the home authorities and the Indian authorities should be conducted entirely through the Governor General, do you apprehend that a great diminution might be made of the present very voluminous correspondence, and that without detriment to the public interest?—I think that would be one of the advantages, and a very material advantage, of the arrangement which I have just spoken of. In this case it would not be necessary, as it is at present, to carry on a correspondence in detail with three several presidencies. It appears to me that the correspondence in detail with the several presidencies would be managed in India between the supreme government and those presidencies, whether three or more. Were this the case, and the correspondence of the presidencies were with the supreme government, the correspondence of the home authorities would be confined to correspondence with the supreme government, and in this way there would no doubt be a most material reduction in the amount. Beside the general improvement of the business of government, by an improved control, it is obvious that expense would be materially diminished, since it would not be necessary to have the same sort of establishment, a species of supreme authority, a governor, council, and a commander-in-chief for each presidency. It appears to me that according to the suggestion contained in the question, an officer under some such designation as that of lieutenant-governor would be sufficient, as a mere deputy of the Governor General to superintend the local administration; nor in that case would a commander-in-chief, or the expense attending his office, be necessary. Any general officer equal to the business of commanding the troops in that particular division of the country, would, I should imagine, answer the purpose. There would thus be a very material reduction

reduction of expense immediately, and probably still more eventually, because there is at all the presidencies, from the unavoidable operation of circumstances, a propensity to increase the local establishments, which not being vigorously controlled, cannot but have considerable effect. This evil would be taken away by placing the power of increase, not in the local, but the general government. Another thing also must suggest itself, that in this case the whole army, not being divided into three separate armies under three separate authorities, but under one general system, and so distributed as to make the most of it, a considerably smaller amount would suffice.

344. Would not some such system in your opinion tend to produce a greater degree of promptitude, vigour and unity of action in the local governments of India?—I cannot but believe that a control exercised on the spot, must be infinitely more efficient than any control that can possibly be established at so great a distance as in England. The perception of anything wrong would be much more immediate, as well as much more complete, and the remedy would be much more promptly and effectually applied.

345. By whom are the laws for the present local government of India framed?—The legislative power, such as it is, resides in the Governor in Council of the several presidencies, who make laws under the name of Regulations for their several presidencies. There never has been any other legislative organ in India than what I have now mentioned, each legislating for its own peculiar presidency. The subordinate presidencies have in general looked a great deal to the laws passed in Bengal, and it has been one object to frame their Regulations upon the plan of the Bengal Regulations, in which way a certain uniformity of system has been observed, but this is its only source. Every consideration appears to me to show, that there ought to be but one legislative organ for our whole Indian empire, and that such organ should by no means be hampered by the calls upon its attention of mere matters of detail. The three presidencies are now, with respect to legislation, in this unhappy state; and still further, are in their constitution, strictly speaking, entirely administrative, not framed for legislation at all. In the original formation of the local governments, there was no intention of their making laws; they had no occasion to think of making laws; and when they came to have laws to make, they of course found themselves very unfavourably circumstanced for the performance of such a duty. It is obvious that with the whole details of the administration of Bengal pressing upon the Governor and two Councillors (for the military member of the Board can take but a small concern in the passing of general laws) their time and attention is much too closely occupied with other matters, to be able to bestow adequate attention upon the making of laws. It therefore appears to me that great importance is to be attached to the recommendation which has come from the supreme government, accompanied with a correspondence between itself and the judges of the supreme court, upon the necessity of instituting a legislative council in India; that is, a council, whose business it should be as well to study what laws ought to be made, as to make them in the best possible manner. This correspondence, which extends to considerable length, and contains many important suggestions, is before the Committee. Two great questions I think present themselves in considering the subject of a legislative council in India; first, what is the

extent of the power of legislation which should be entrusted to such local organ: and, secondly, in what manner should this legislative organ be constituted? At present it is well known that the power of legislation in the hands of the Government in India is limited; far from adequate to the necessities of the case. There are some very remarkable complaints upon that subject on the part of the Government, and equally strong admissions on the part of the Judges of the Supreme Court. To judge of this matter rightly it appears to me to be proper to inquire, what are the powers which are wanted; for I suppose it will be allowed that those which are wanted should be bestowed. I also suppose it will be allowed that such powers as are required for the business of government anywhere in the world, are required without any limit or restriction for a government so situated, placed in circumstances of such difficulty as our government in India. Among these necessary powers is emphatically to be named the power of making all such rules and regulations as the Government may conceive to be for the benefit, and required for the good order of the state; and the power of enforcing obedience to those rules and orders on the part of its subjects universally, of all classes and descriptions of persons looking up to it for protection. The anomaly of the case in India at present consists in the extraordinary circumstance of there being a class of people in the country, a class in reality of foreigners, not very considerable in point of number, but remarkable in certain circumstances, and from the power attendant on those circumstances; who are not subject to the legislative power of the government under which they live; who claim exemption from its enactments, and for whom, except in a few, and these inferior instances, the government has no power of making laws; I allude to the Englishmen who are in India. Our habit of looking with indifference upon things which we have long seen the same, prevents us from observing the extraordinary nature of this case; by putting something of a parallel case, it may be more easily understood. If we were to suppose that there were a class of foreigners in this country, in England, to bind whom by laws the King in Parliament had no power; foreigners spreading themselves in all directions among the people of the country, but exempt from the jurisdiction of our tribunals, and claiming to owe no obedience but to a single court belonging to their own sovereign, whom they speak of and represent as far superior to ours; further, if we were to suppose that this single court of theirs were seated in the metropolis, so that Englishmen could have no redress for any injury sustained at the hand of these foreigners, except by coming up to the metropolis to sue them in their own court; that those foreigners moreover from their peculiar circumstances, carry with them such power that the subjects of the King of England are in perpetual dread of them, afraid of applying for redress against anything they do; and if to the above supposition we were to add that this same court of their sovereign, not ours, placed in our metropolis, should exclusively have the power of administering justice to the whole of the inhabitants of our metropolis; that the inhabitants of our metropolis should have no access to justice but through this single court; while the Government itself, King and Parliament, should have no power of making any laws to bind the inhabitants of the metropolis, but according to the pleasure of those same foreign judges: this would be a parallel to the case as it now stands in India, and seems to me to require no words to prove its incompatibility with good government. I can hardly anticipate

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pate contradiction to the opinion both of the Supreme Government and the Judges of the Supreme Court, that there cannot be good government in India, because not perfect legislation, till one uniform system of law is made to include all the subjects of that government, this portion as well as every other.

346. What increased extent of legislative power should you consider expedient or necessary?—It appears to me that there should be no limit to the power of legislation in India in the hands of the organ I speak of, except that the exercise of this power should be under the strict control of the British Parliament; that the Government in India should have the perfect power of making laws to bind the people in India of every class and description, but that means should be found of bringing the exercise of this power completely under the control of the legislature at home.

347. In the actual state of society in India, from what constituent body could such legislative councils, in your opinion, be provided?—That is the second of the great points which I have mentioned as demanding consideration, under this head; I mean, the mode of forming the legislative councils. I am willing to state the ideas which have occurred to me, but I have not so meditated upon the subject as to have a matured opinion.

348. Was not the great object in view, in the papers to which you have referred as being already before the Committee, to unite the judges with the existing council?—That was the plan thought of in India; but it appears to me that it is liable to serious objections. I shall state first, what has suggested itself to me as the best mode of constituting the legislative organ; and then mention what I think are substantial objections to the scheme which has been thought of in India. In composing a legislative organ in India, two objects are to be kept in view. The one is, the requisite knowledge; the other is, adequate motives for fidelity; by fidelity, meaning not only honesty, but diligence also, in the execution of the trust. With respect to knowledge, the different kinds of knowledge requisite for legislating in India, are such as cannot be hoped for in one man. But it appears to me that the organ should consist of as small a number of persons as offer a reasonable prospect of their having all the requisite kinds of knowledge among them. For this purpose one of them should be a person well acquainted with the laws of England, so that everything done may have that accordance with the laws of England, which laws, made for a different country, and by no means intended to be the same with the laws of England, should yet have with the laws of the supreme state, so as not to run counter to them, and to avoid all unnecessary collision. That species of knowledge seems to me to be required, and only to be found in a professional person. It has also appeared to me that with this person ought to be joined, at least one of the most experienced of the Company's servants; one not only conversant with the details and business of the government, but who has as perfect a knowledge as possible of the native character and the local circumstances. For those qualities, perhaps, more than one individual might be required; or it might be thought expedient that a person from each presidency should be taken. I have also thought that, for the sake of local knowledge and for certain other considerations, a native, of the highest character and qualifications that could be found, might be joined in this legislative body with advantage. I see that the Chief Justice

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Justice in Bengal is of a different opinion; he thinks that at present, and for some time to come, it would be inexpedient to have a native; but I am induced, by all that I understand of the native character, to think that such a person, if judiciously chosen, might be useful in suggesting things likely to escape a European, and in preventing rules which might run counter to the feelings of the natives; without his being found troublesome by pertinacity in his own opinions, compliance, I think, would be more likely to be the general habit of any native so chosen. To these constituent parts, the English lawyer, the Company's servant or servants, and the native, I think it is indispensable to add a man capable of bringing to the great work the aid of general principles; I mean, in short, a person thoroughly versed in the philosophy of man and of government. With these constituents of a legislative council, and with a provision for filling up vacancies, I think the business of legislation in India might be well performed.

349. Your scheme then would not include the co-operation of the judges who administer the laws in the making of the laws?—It would not. The general opinion, of the inexpediency of uniting the judicial with legislative functions, appears to me to be well founded. An additional objection to this plan in India, is the probability of its placing the legislative power entirely in the hands of the judges, who would overrule the members of council in a field where they would distrust themselves, and become sole legislators, making the laws which they themselves administer, and thus of necessity rendered political organs, rather than what they ought to be exclusively, instruments for the distribution of justice. After making provision for the several kinds of knowledge required in the legislative council, the best mode of bringing the motives for good conduct to bear upon such a body, was the other point that appeared to me deserving of consideration; and the question here is, what means are there of bringing responsibility home to such functionaries as closely as possible. Responsibility in the most efficient sense of the word, namely punishment, is here out of the question, unless on account of such delinquencies as are not often likely to happen; and therefore it is the responsibility of character, responsibility to public opinion, which alone can be thought of on the present occasion, as any efficient instrument of control. The project entertained in India, went no further than to have a legislative board, which was to aid the Government in its business of legislation; it being understood, and properly so, that the legislative authority must rest with the Government, this board would consider of and prepare laws for the Government to pass. The objection to such a board is, that it would be a subordinate board; and would not stand forward directly and conspicuously to receive either the credit or the discredit of the laws that were passed. The responsibility of its members would be as nothing. I think it would be advisable to make them in appearance, as well as reality, the authors of the laws, and responsible for them, in every possible mode. To this there is an obvious, an easy, and I think a certain path. The Governor General in Council at present is, properly speaking, an administrative council, and nothing more. It has hitherto done something in the business of legislation, for which it is very badly circumstanced, but its general business and employment is administration and execution entirely. There might, however, be a supreme council, consisting of two sections: one an administrative section, the same as the present;

the other a legislative section, entirely new. The legislative organ of which I speak ought to be a part of the Supreme Government, having the Governor General for its presiding member, and confined to the department of preparing and enacting laws, with what probably might with great advantage be united with it, the duty of corresponding with the judges, and superintending the administration of the laws throughout the country.

350. In one of your previous answers, you referred to the expediency of the establishment of a supreme government in India, without the charge of any local administration, but having the power of interfering with the local institutions of each of the presidencies: no government having before, in any period of known history extended over a surface so wide as that now comprehended under the British rule in India, and no government of strangers having ever before governed so large a body of natives, do you conceive that any single mind, or any organ such as that you have now described, an organ consisting of one lawyer from England, of one native, of a governor general, and of a person well acquainted with the philosophy of man and of government, would be capable of making all laws, to bind all persons, in all parts of India, subject at the same time to the revision and intervention of another body of strangers, namely the Parliament of England, at the distance of 13,000 miles?—I think that such an organ would be much more competent to the task, than the system as it at present exists; and the only question is, if another that is better can be found.

351. What knowledge would a native, taken from Calcutta, have of the institutions of persons under the presidency of Fort St. George, or under the presidency of Bombay?—It is not necessary that he should have very particular local knowledge: there is a general character which belongs to the natives of India throughout, and any local circumstances which might require particular provision, would be communicated by the local officers.

352. It is understood, that all Regulations are now filtered through the means of successive functionaries, in each department of each presidency, from collectors and judges, and magistrates, and so on; it is also understood, that the natives of India differ far more widely from each other than the natives of different kingdoms in Europe, not merely that the Mahomedan differs essentially from the Hindoo, but that the Hindoo in one part of India, in Bengal for instance, differs essentially from the character of other natives of Hindostan Proper, and that even in Bengal the differences are very great. Could therefore, the one native whom you would introduce into the proposed council, be considered as a fit representative for those millions of natives, who differ so much from each other?—I think a well informed man, having such experience, and intimate knowledge of a portion of the Hindoos, as an instructed native may be expected to have, would be enabled to judge with abundant accuracy what would be expedient in laws, which relate to generals, not particulars, for every part of India; because in truth, that filtration which the question spoke of, which is now performed in a certain degree by the local functionaries for the local governments, would also be performed upon the plan I mention, and I think, with still greater efficiency. The mixed fluid would still be filtered in the first place by the local government, which would only differ from the present government in not legislating upon its own information, but transmitting

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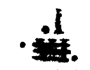
it to the new legislative authority; which, instead of being hampered with details, which prevent any adequate degree of attention to the business of legislation, would have this for its one and only object.

353. Your answer now assumes that there should be a supreme government, not only without the charge of any local administration, but that it should have joined with it this legislative organ; may not the two subjects be considered as entirely distinct, may there not be formed a supreme council, without the charge of any local administration, but without this organ of a legislative character, which you propose now to assign to it?—My notion combined the two; and I think the scheme would be exceedingly imperfect if they were not combined. You might undoubtedly make a supreme government, and leave it without an appropriate organ of the nature I have now proposed, to legislate as it could without it; but it appears to me, that this would be greatly inferior to the scheme of having an instrument made expressly for, and as well as possibly adapted to the paramount object of legislation.

354. You referred to the danger of violating the feelings of the natives by Regulations made in ignorance or heedlessness of their institutions; can you state to the Committee instances in which such violence has been heedlessly done to the feelings of the natives by Regulations made under the existing system?—I believe very little of that kind has been done, except it be supposed that the bringing of the people of a certain rank before our tribunals would come under that description. That it is a violation of their feelings in a very high degree, there is no doubt.

355. Was that forcible bringing together of persons of different ranks and different persuasions before the courts of justice the act of the local government of India, or of the East India Company, or of the Parliament of Great Britain?—The natives of rank consider it a degradation to be called upon in a court of justice at all, either as witnesses or as parties; they are people who always managed their own affairs by the strong hand, and whose province it was, not to submit to, but issue decrees. Obedience to laws suits only those who are below their level. The Regulations framed by our local governments, with the sanction of course of the Court of Directors, went upon the principle of making no exception in respect to justice between one class of persons and another, according to the spirit of English law, and with the approbation, at least implied, both of the English people and English legislature. The inconvenience of this in some instances, and the suffering to the individuals, was found to be so great, that both humanity and good policy seemed to recommend exceptions in extraordinary cases; and to meet those exceptions, as well as for other reasons, the resolution has been taken in respect to the countries recently acquired, not, for a time at least, till the inhabitants grow more accustomed to the indiscriminating principles of our rule, to introduce our Regulations and establish our tribunals.

356. As you propose that the legislative council should consist of so small a number, it is presumed that your object is to get a full responsibility over them?—My first object would be to get the different portions of the requisite knowledge as completely as possible, and when a reasonable security for that is attained, I should not be for increasing the number of the legislating members; the smaller the number, consistent with having the requisite knowledge, so much the better, as well



well for the sake of rendering the responsibility greater, as for having a more steady application of thought and attention.

357. Do you think that in practice it would not be found that so small a number of persons would not have sufficient time to enter into the large mass of subjects which it would be necessary for them to enter into, without other assistance?—When I have stated this as a scheme, the idea of which has passed through my mind, I beg to be understood as not giving it for a scheme I have thoroughly digested. I have laid down the general principle, I think, correctly; and if an organ something like what I have now described were set to work, and it were found by experience that a greater number of co-operators than that I have named were really needed for the business, it would be proper to add them.

358. Do you think a scheme of this kind would be expedient, to appoint in addition to this council, individuals of the same classes that you have enumerated, who should have no responsibility as members of the council; but prepare for the members of the council information in the different lines that the council would want?—It enters into my scheme, that this legislative organ should have the command of secretaries and other necessary assistants to any amount that might be needful. It would also be expedient, if the number of members were limited as much as I have mentioned, that provision should be made for successors in case of vacancies. To this great end it might be necessary, in addition to those functionaries I have mentioned of different descriptions, to have others, one corresponding with each, one lawyer, one native servant, and so on, in the character of probationers or assistants, or under some other appropriate name, employed under the principal functionaries, acquiring knowledge and experience, and under a course of training for filling vacancies when they occur.

359. If such probationers were appointed under that name, or some similar name, and not under the name of clerks, would they not make a very good class from which to choose successors, giving the government the option of choosing or not choosing them, according to their conduct in the inferior situation?—If the members of the council were as much limited in number as I have now mentioned, some such provision would be necessary; and the more necessary because the nomination to this office, I think, should not be with the local government, but in England; and therefore to prevent the loss of the services of a necessary member during the time that would be necessary to communicate with England, some substitute on the spot ought always to be prepared.

360. If then the nomination of the members of the council is to be made by any person or persons in England, whose knowledge will be necessarily either limited or derived from other persons as to the character of the Company's servants in India, will not that be an additional reason why some set of probationary members, similar to that which you have been just speaking of, should be established in India to have a choice from?—I think it is a strong reason. If vacancies were filled up by the Governor General, he might be expected in general to know persons within reach who might be made available, without any such class of expectants in preparation.

361. Would not another reason for such an arrangement be, that that class of persons, by their conduct in that situation, would show who were the most fit from their

their character to be appointed as members of the council, which would avoid the inconvenience of dismissing a person who, after he was appointed, was found not to be sufficient for the situation?—Certainly.

362. You stated that you thought it desirable that the Governor General should form a part of such a legislative council?—I think he should be president; my idea of the best constitution of this legislative organ being, that it should be a section of his council, of which no session should be held without his presence or under his authority.

363. Do you think there would be any objection to his having a veto upon all laws that were passed in it?—That would undoubtedly be a subject for consideration in framing any law upon this subject; it is one of the points on which I cannot say that I have any very definite opinion; it would be a matter for serious deliberation; I see pros and cons.

364. Do you consider, in the present state of society in India, anything approaching to representation as entirely out of the question?—I conceive wholly so.

365. But you conceive that the several presidencies might be represented in the supreme legislative council in Calcutta?—If not in Calcutta, at some place that might be reckoned more convenient for the seat of the supreme government; which moreover might be a locomotive body. There would be no very great inconvenience in its motions; and there might often be great advantage with reference both to control and to legislation, in having its place of action at one time at one presidency, and another at another; its general place of abode being centrical with respect to all three.

366. Will you state whether any evils have been found within your experience practically to result, from the existence upon their present footing of the King's courts in India?—One inconvenience immediately presents itself, and one which appears to me to speak volumes. You have two independent authorities ruling in one and the same country; two authorities not only from their nature liable to be in frequent collision, but which actually have been frequently in collision, and are habitually to a certain extent antagonizing instead of co-operating powers. That there ought to be but one authority in India I think is proved by the most conclusive considerations; in fact, unity in government, if there be an uncontrollable principle in government, is that principle. The Supreme Government is the universal instrument of protection; the inhabitants of every class and description look up to it for the security of all that they value. To enable it to afford this protection, it ought undoubtedly to have the command of obedience, of obedience as universal as the demand for its protection. There is also no doubt that in India the habit of peaceable and quiet obedience, is exceedingly increased by everything that adds to the *prestige* of the government, and that everything which tends to lessen that feeling of reverence and awe, increases the difficulties of the government; paralyzes to a considerable degree all the power it has to exercise, because it is a very different thing to exercise the powers of government among a people where obedience is willing, and among a people where obedience has to be compelled. Now the mode in which the Supreme Court stiffens itself up by the side of the general government, pretending to spring from a higher authority, and to be itself the most dignified organ of the two, holding itself altogether irresponsible to the government; in

in reality as having the power of binding the government, while the government has no power to bind the court, has had, as I am satisfied that all persons who have had experience of the proceedings in India will acknowledge, very considerable effect in lessening the influence of the government, and rendering its business more difficult; in short, rendering the habit and contemplation of disobedience a thing much more familiar to the minds of the people in general. The evils also necessarily growing out of the existence of a set of people in a country who claim a right to obey only their own laws, and to be amenable to their own tribunals, which may literally be said to be inaccessible to nearly the whole of the population, cannot but present themselves to every mind as enormous, and repugnant to every idea of good government. The very vague and indeterminate language in which the powers of those King's courts have been described in the Acts of Parliament, leaves it open to them to claim nearly as much or as little jurisdiction as they please; and has enabled, or perhaps, as the Chief Justice Grey alleges, compelled, them so to extend their jurisdiction over the natives, that every man among them may be considered as subject to two sets of laws. Now when a simple and ignorant Indian finds himself bound to attend to the Company's laws, as administered in the zillah and provincial courts, and embodied in the Regulations, in his general habits of intercourse with his fellows of his own country, but finds that he is also bound on unforeseen, and thence more terrible occasions, by the laws of another country which he knows nothing about, and is on every such occasion, notwithstanding his obedience to the laws of his own country, liable to be called down hundreds of miles to the presidency, merely perhaps to prove that he is not subject to the jurisdiction of the court; dragged down to this distance upon a simple affidavit, made perhaps out of malignity, and never inquired into; that he is under the jurisdiction of the court; all this constantly happening, cannot but produce a degree of confusion and misery in the country which it is not easy to describe. A passage or two in the letters of the Judges of the Supreme Court relating to this subject, I would beg leave of the Committee to point out to their attention. At page 48* of Appendix 5, of the Report of the Committee on the Affairs of the East India Company, the judges of the Supreme Court, in their letter to the Commissioners for the Affairs of India say, "It is no doubt needless for us to crave the attention of the Right Honourable the President and Commissioners to the painful difficulties which are connected with the unsettled and vague state of the laws under which the court has to exercise in the provinces a jurisdiction, in some cases concurrent, and in others conflicting, with that of the provincial courts; so that in instances of the highest degree of criminality known to the law, it may chance to be the intricate question whether a culprit is amenable to this court or to others; and with respect to those Christian persons, born or residing in the provinces, who are not British, according to the interpretation put on that term, there are some who maintain the opinion that for any offences above the degree of a misdemeanor they are not amenable to either jurisdiction; and there are others who hold that a man may be amenable only to our court as a British, whilst his wife, as a half-caste Christian, may be amenable only to the provincial courts, or *vice versâ*." The chief justice, at page 111*, describes the state of the law, as regards persons, in the following terms; "As to the first of these divisions of law, namely, the

* Page 1118, 5th App. to 3d Report.

* Page 1202, 5th App. to 3d Report.

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the rights of persons, it has always hitherto been, and is likely to remain in India in so deplorable and discreditable a state of confusion, that it is scarcely possible to speak of it with the plainness which is requisite for showing the real state of the case, and yet with the respect which is due to it as the existing law. The most opposite notions are allowed to prevail upon points, respecting which it is of the utmost importance that no doubt which can be removed should continue to subsist. There is no uniform, no definite opinion, either as to the true character and incidents of the sovereignty of the Crown, nor of the dependence of the laws on Parliament, nor as to the rights either of political power or of property of the East-India Company; nor even of the relation in which the many millions of natives stand to the political authorities by which they are entirely governed. Different races of natives have different grounds of political right; as to one class of them, it is even disputed under which of two different systems of law it is that they live. Amongst the Hindoos and Mahomedans there are persons not even claiming any sovereignty, to whom the governments have nevertheless stipulated an exemption from law, or at least from all courts of justice. Amongst the British authorities we have courts which the Legislature has made supreme, yet to which no other courts are allowed to be subordinate. Commissions of the peace, which are sealed by the supreme courts, but are directed almost exclusively to persons who are judicial or magisterial officers of the Company, and who have been recently declared by the Privy Council to be exempt in that character from the control, by mandatory writs of the courts out of which their commissions as justices issue; so that from the difficulty of distinguishing what is done by them in one character, from what is done in the other, the consequence must be, that in both they will no longer be responsible to any but the Governor General in Council." The judges conjointly say, "The next head of difficulties is one of which we feel considerable difficulty in speaking. But our motives, and the necessity of exhibiting the whole of the case, must be our excuse for saying that some of the inconvenience to which the court is subjected, and some of which it is the apparent cause, are attributable to the imperfections of the Acts of Parliament and letters patent under which it has to act, or by which it is affected. It would seem as if, either from the intricacy of the subject or an apprehension that difficulties would be encountered in Parliament, when modifications of the powers of the Supreme Court have been desired, they have been sought not by positive and plain enactment, but by the introduction of something in an Act or Charter which, without being likely to excite too much discussion at the time, might nevertheless be available afterwards as showing an intention on the part of the legislating power to make the required provision. Nothing can be more vague, in most respects, than the important Statute of 21 Geo. 3, c. 70; it provided that persons should not be subject to the jurisdiction of the court for this or for that reason, but left it nearly as open to argument as it was before, whether all those must not be held liable who could be shown to be subjects of His Majesty." Upon this ground the chief justice argues that the words of this enactment render amenable to the Supreme Court all persons that can be called subjects of His Majesty. All the inhabitants of India may, therefore, be brought under the jurisdiction of the Supreme Court. Nothing can be more creditable to those judges than the distinct opinion they declare, that this

Page 1232, 5th App. to 3d Report.

double

double legislation, and double adjudication, cannot exist without great mischiefs. They proceeded so far as to offer schemes for putting an end to it. The chief justice recommended an experimental district to be formed round Calcutta, to try, on this small scale, the effect of uniform laws and a uniform mode of adjudication for all classes of persons, and if that experiment succeeded, to extend the plan afterwards to the whole of India; but to this the Governor General objected, upon grounds which appear to me to have weight. The evidence which is exhibited in those documents of the inconvenience of the present state of legislation in India, of the mischief arising from those double fountains of law and judicature, and of the necessity of some legislative provision to put an end to all this evil, deserves the utmost attention of the Committee.

367. What hazard, in your opinion, would be incurred by withdrawing those tribunals?—The only hazard I can imagine is, that there would be a degree of discontent expressed on the part of certain Englishmen at the presidencies, who being by no means remarkable for willing obedience to the government, are by no means sorry to have an instrument by which that unwillingness may be manifested, and the Supreme Court answers their purpose admirably well. But it appears to me that Englishmen would, under such a scheme as I contemplate, have no real ground for complaint. Unquestionably, every practicable security ought to be given to Englishmen who are in India, both for their persons and their properties; but they can have no right to any species of security which is inconsistent with the security of others. The history is curious, and worth attending to, of the English law and the English courts in India. It is touched upon, but not with a very exact knowledge of the circumstances, in some of the papers of the judges in the printed documents on the table. When the English in India had factories merely, no territory, and no dominion over any of the natives, they obtained as a boon, (generally granted to European commercial communities, in their dominions, by the native princes in India,) the privilege of administering justice among themselves, without having recourse to the very rude institutions of judicature which existed in the country; and above all, without being amenable to their penal laws, which were very revolting. The East-India Company having found that the disputes which were apt to arise in the factories, could often not be settled amicably, made application at an early period of their existence to the King, for a charter of justice. The first expedient was to give to the Governors and Council of the several factories the power of adjudication, both in civil and in penal cases, within the factory, and among their own people: they were constituted a court of justice, to administer to Englishmen the English laws. When it was found inconvenient to the Governor and Council, on whom the business of the factory devolved, to attend to the details of judicature, a new charter of justice was obtained, according to which one person, learned in the civil laws, and two merchants, all appointed by the Company, were to form a tribunal in each of the principal factories. This form of a court was afterwards found to have its inconveniences; and upon a subsequent application, Mayors' Courts, composed of some of the principal persons in the factory, were appointed to adjudicate in civil cases, with an appeal to the Governor in Council, who were still entrusted with the criminal jurisdiction; the power of making bye-laws for their direction being vested

vested in the Company. With this power, of merely settling their own disputes according to the particular charter of justice within their own factories to their own people, the English authorities in India remained till they conquered Bengal. When that event happened, it was not thought expedient, on account of the Company, to assume the forms of sovereignty. The question, whether the Company could hold sovereignty, did not seem fit to be very distinctly brought forward. They chose, therefore, to govern through the medium of the nabob, to whom was left apparently the exercise of all the powers of government; retaining as he did his troops, collecting the revenues, and administering justice, all as before; but in this situation of things, great abuses were speedily found to exist. The Company's servants interfered with the business of the country. The celebrated questions of the private trade began to present themselves. The Company's servants, trading on their own private account with the interior, refused to pay the duties which were exacted by the native government from its own subjects, who were of course unable to stand competition with such rivals. They committed great outrages against the nabob's officers, when they attempted to realize the duties; and in reality not only trafficked without payment of any duties, but took the principal articles of traffic with the interior, salt, opium, betel-nut and tobacco, into their own hands, as a monopoly. They also claimed the right of pre-emption, and insisted upon fixing their own price, both for such goods as they had to purchase, and such goods as they had to sell, employing intimidation and even tortures of various descriptions to bring the people to their terms. It is difficult to believe of our countrymen, that they would have been the authors of such scenes, but the voluminous Reports of the Committees of the House of Commons in 1772 and 1773, are full of evidence of the enormities which were then perpetrated, and complained of in the loudest manner by the Court of Directors and their presiding functionaries; by none more strongly than by Lord Clive, whose speeches in Parliament denounce them in language which one can hardly at the present day believe not to be exaggerated. A remedy was loudly called for. The Mayors' Courts had no power beyond the mere limits of Calcutta, considered the factory. It was therefore absolutely necessary to have a court, whose jurisdiction should extend into the interior, and reach every Englishman who might be misbehaving in any part of the country. For this the Supreme Court was established, for the sole purpose of reaching Englishmen, members of the factory, (for such was still their only character,) wherever they might be, transgressing in the country. The Supreme Court being so constituted, to exercise control over Englishmen, and to administer English law to Englishmen, when the Government had no other subjects than Englishmen, the immediate servants of the factory, it may well excite surprise, that after the state of things was totally altered, when the government of the country was taken ostensibly into the hands of the English, when the whole of the natives became their subjects, and they undertook to make laws, and administer justice to them, that the expedient contrived for the factory, and for correcting the misconduct of the factory's servants, without exposing them to the barbarous punishments of the native governments, was allowed to remain on the same footing when the government became ours, its laws and their administration ours, the people our subjects, and as much entitled to justice at our hands as Englishmen themselves.

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368. The British subject having, as you have justly observed, a right to full security in the event of a suppression of those King's Courts, in what way do you conceive that their absence might be most advantageously supplied?—It appears to me that Englishmen ought to be rendered amenable to the ordinary jurisdiction of the country. There are laws there for the protection of the mass of the people; no Englishman is forced to go there; and they who choose to go ought to be obedient to the laws by which the people are protected. Undoubtedly the laws and the tribunals of the country ought to be made as perfect as possible; but I conceive that even now no Englishman, if left to those tribunals, need be considered as without security, security as good as the Supreme Court can give him, both for his person and his property. I conceive that it is not the Englishman who feels the want of protection to his person and property in India.

369. The question is, whether he would not feel that want upon the withdrawal of the King's Courts?—The existing courts, the Mofussil Courts, would be adequate to his protection, though they are often inadequate to the protection of the native. The main difficulty would be in regard to the highest species of punishments. It would sound harsh to English ears to be told that an Englishman could be tried for his life, and deprived of it, by the decree of courts dependent upon the local government. One can think, if this were considered an insuperable difficulty, of various modes of compromise. The punishment of death might be abolished in India, when a door would be still open for remedy, if in any instance undue punishment was awarded; or there might be, as there was till a very recent period at Bombay, a Recorder's Court at the different presidencies, whose sole business should be to try Englishmen for the highest species of offences.

370. From your experience of the history of India, and your examination of all the correspondence connected with it, what is your opinion, generally speaking, of the effect and tendency of the judicial system actually in operation in India, as to the security of person and property of the natives in India?—I believe that the courts of justice in India, upon the whole, do their duty well in regard to the cases which come before them; that it is rare that a case is not properly sifted, understood, and justice done. The grand defect appears to me to consist in the inadequacy of the establishment; in there not being instruments sufficient for the work to be done. The tribunals are at a distance from parties; the delays are great; and in India distance and delays so operate, as to shut out a great portion of the population from access to justice altogether.

371. Has there not been a great increase of native population where the jurisdiction of the Supreme Court exists?—There has been a great increase of population at Calcutta; the size of that metropolis has increased owing to many causes.

372. In a petition recently presented to Parliament by certain inhabitants, natives and others of Calcutta, an apprehension is expressed lest, in the event of the restraint now subsisting upon Europeans settling in India being relaxed, the interests of the natives should suffer from the introduction into the interior of the country of Englishmen not amenable to the provincial tribunals; does it appear to you that such apprehension arising from such cause is well founded?—I consider it to be perfectly well founded. I conceive it wholly out of the question that Englishmen should be permitted to reside in the interior without being amenable completely to the



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the tribunals to which alone the people with whom they have dealings have practically access. Remove this control, and they have the power of committing injustice to the greatest extent; and we have evidence in the history of the private trade of the Company's servants, to which I have alluded, to show what our common nature, even as modified in Englishmen, is capable of in such situations.

373. In the event therefore of any legislative relaxation of these laws, are you of opinion that the adaptation of the provincial tribunals to such an altered state of things must inevitably follow?—I think it ought to precede; I think that the idea of admitting Englishmen into the interior of India, without a previous provision to render them amenable to the courts where they reside, and where their actions take place, ought to be altogether exploded.

374. On the other hand, is it not your opinion that the total suppression of the King's Courts must operate as an effectual bar to the settlement of Europeans in the interior?—By no means; I think the same motives which carry them into the interior now, in as far as their objects are honest and justifiable, would carry them still. As far as they have the means of making honest profits now, they will have the means of making honest profits in the case I suppose; and if they go there for the gain of misconduct and oppression, it is very much to be desired that they should not go at all.

375. Do you think that the security afforded to them by the administration of the local tribunals, would be deemed by Englishmen an adequate security for their person and property?—I have no doubt of it.

376. In reference to what you have already said of the evils that the natives suffer from the Europeans, do not the Europeans who are settled in India, also suffer evils from the natives refusing to perform their contracts with them, which they, through the medium of the Mofussil Courts, have no means of remedying?—I believe that the indigo planters have often great room for complaint on account of the non-fulfilment of their contracts by the ryots, and such evils ought to be remedied.

377. Are you conversant with the establishments at home, instituted for the education of the civil servants of the Company?—I have but a general knowledge of them; and can only speak as to generals.

378. Are you aware how far the institution at Haileybury has been found beneficial to the object for which it was instituted?—My opinion of the institution at Haileybury, from all my knowledge of it, which however is far from perfect, is by no means favourable. I conceive that there is very little done in the way of study, except by a small number of the best disposed of the pupils, who would study any where; and that the tendency which is inseparable from assemblages of young men to run into dissolute courses, operates there to a deplorable extent.

379. Does it happen to come within your knowledge that the young men who go from thence, upon their arrival in India, are placed in what is called the College, at Calcutta?—The Bengal part of them are placed in the College at Calcutta; those who go to Madras are partly placed in a seminary there, and partly sent into the interior, to be placed immediately under judges or collectors; and at Bombay they are sent into the interior immediately; I speak however from recollection, which may be imperfect.

380. When

380. When at Haileybury, are the writers there maintained at the expense of the Company?—Partly, and partly at the expense of their friends.

381. What is the amount of qualification required of them at the college at Haileybury, before they are appointed writers, and proceed to India?—They undergo an examination before admission; they receive their appointment before they are admitted into the College, and their seniority in the service dates from this point. They are examined as to their proficiency in Greek, Latin and arithmetic, I think, before they are admitted into the College, and after they have passed the regular time, they undergo another examination, which ascertains their progress in general knowledge, and in the knowledge of certain of the Oriental languages. There is a Professor of Political Economy and a Professor of Law; but for the most important of all branches of education for young men who are to be employed in the administration of justice, there is no appropriate organ. Nothing is more to be lamented than this, that young men should be sent to act as judges in India, without having received, I believe I may say with truth, one word of instruction on the peculiar nature of the unspeakably important, most peculiar, and difficult duties they will have to discharge.

382. Do you know whether it very frequently happens that in consequence of a deficiency exhibited on such examinations, they are deprived of the writerships to which they have looked forward?—There are cases in which from not passing they are sent back, and that, if my recollection serves me, more than once; and if they continue below the requisite degree of proficiency they will, of course, not be sent out; but I have not in my recollection any instance of the kind.

383. On their arrival at Calcutta, what qualifications are required of them in the College there?—The only qualification now required to be attained there, is a knowledge of certain languages, two of the languages of business in the country; the Persian, and either the Hindostanee or some other.

384. Can you state what is the annual expense to the Government of each of the students at the College at Calcutta?—I cannot.

385. You do not happen to recollect that it has been stated in a minute of the Governor in Council as amounting to 660 *l.* a year for each of them?—A small proportion of them, and only those who are the most backward or the most negligent, ever remain so long as a year. Some of them quit in a few months, especially if they have carried out with them any considerable knowledge of the native languages. After a certain period, if they do not fit themselves for employment, they are, by a recent direction from home, not allowed to have employment; and if they do not qualify themselves within a certain period, they are sent home and forfeit their appointment.

386. Are not the regulations you allude to, recent regulations, in consequence of the extreme disorder into which that institution had got?—I believe so.

387. Had it not been found that the young men had indulged in such great habits of expense, that there were few of them who were not more or less involved in debt previous to obtaining any appointment in India?—Upon an inquiry which took place some years ago, it was found that the junior part of the service were involved in debts to a deplorable degree, and also it was found that their residence in Calcutta had been one great cause of this.

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388. Is not the sole fund from whence the government of India can draw for civil servants to supply all the important diplomatic, political, revenue and subordinate judicial stations in that country, the writers nominated by the individual directors at home?—Entirely so.

389. Has it occurred to you that any mode might be devised of obtaining a supply of writers more advantageous to the public service than by the nomination of any individuals whatever?—It has always occurred to me that the selection ought to be from a wider field than it now is; that the proper principle of selecting would not be education at a particular college, but a certain amount of qualification adapted to the trusts which are to be conferred, and ascertained by a well-constituted organ of examination. In what manner the appointment should take place with the best advantage, is a nice question, and one to which I have not particularly turned my attention.

390. Would not great advantage result from the opening those appointments more or less to public competition?—Undoubtedly, opening them to public competition would afford the best chance of high qualifications, provided always the test applied of superior proficiency was an efficient one.

391. Have you any doubt that one of the most important considerations for the Legislature must be the improvement of the government of India in India itself?—I think so, entirely.

392. In that point of view, should you not think it of extreme importance that great attention should be paid to the education of the natives, and to the introduction of the English language among them?—On every account I consider the improvement of the natives in education as an object of paramount importance, and that it ought to be forwarded by every possible means. I am of opinion, however, that the progress of education among them, so as to produce any very perceptible effect, will be exceedingly slow. With respect to the English language making its way among a people so numerous, dispersed over so great a country, the number of Englishmen mixing with them so small, and the occasions of their feeling strongly the need of the English language so few; under these circumstances, any very general diffusion of the English language among the natives of India, I think, is to be despaired of.

393. Do you not understand that there exists a disposition on the part of the natives to acquire the English language?—All those that are coming frequently in contact with Englishmen, of whom, chiefly, we hear, do manifest a desire to acquire the English language; but with regard to the great mass of the people distributed over the country and in the fields, many of whom never saw an Englishman, I conceive that no occasion for a knowledge of the English language is felt by them, and that they are rarely excited to a wish for its acquisition.

394. You are not aware that any representations have been made by teachers in some of the existing schools, of complaints being made by those sent there, that they are not taught the English language rather than the Sanscrit or the Persian?—I should not be surprised if that complaint was made, because I should suppose that the parents who send their children to these schools are such as, being in common intercourse with Englishmen, find the benefit of knowing the English language.

395. What

395. What is the amount of funds set apart by the Company for the object of educating the natives?—I cannot speak to that particularly; there are large funds both of a local and a general nature. I believe there are copious accounts already presented to the Committee upon that subject.

396. By the Act of 1813, a fund was set apart from the territorial revenues for that purpose; has it come to your knowledge how many years elapsed before any sum was actually appropriated to that object, after that Act was passed?—I believe it was a considerable time; the exact period I cannot take upon me to say. The period of the Charter perhaps was half run.

397. Was not the surplus territorial revenue of India charged with this by the Act?—There was a pretty multifarious distribution ordained of the surplus revenue, but I believe the sum that was directed to be applied for this object was not considered a part of the surplus revenue, but rather of the expenditure in India. A sum applied to promote native education in the country, would appear, I suppose, among the expenses of government, rendering the surplus so much less.

398. Is that your construction of the terms of the Act of Parliament, or is it the construction formally put upon that Act by the legal authorities to whom the Court of Directors may have referred the question?—I express my own opinion, from a sort of recollection that the sum alluded to made no item in the distribution of the surplus revenue; and if I am not incorrect in this, it must stand among the expenses of the government.

399. It has been stated in a petition to Parliament by certain natives of the island of Bombay, as a suggestion which they desire to be enforced, that at the end of 12 years every native appointed to an office under the British rule in India, should be required to be able to read and write and speak the English language. From your inquiries, and the examination to which your office has led you, can you state to the Committee any opinion with respect to the practicability or expediency of the adoption of such a regulation?—It is possible, that in the course of 12 years, there might be educated far enough to speak and write English tolerably, but at a greater expense, a sufficient number of natives to fill all the offices to which the natives have generally been appointed; but it does not occur to me that any very considerable advantage would be derived from it.

400. Is it your opinion that it would be conducive to the amelioration of the system of government in India, if means could be found of gradually introducing native agency to a much greater extent into the various departments of the government?—I would have no exclusion; wherever a fit native appears, he should be considered a proper candidate for employment; and there is one important reason for employing fit natives, that their employment can in general be obtained at a cheaper rate than that of Europeans; but the great object with me is to obtain the fittest instruments, native or not. The mere employment of natives in itself does not appear to me to be a matter of so much importance as it does to some other persons, whose opinions nevertheless I highly respect. It appears to me ten thousand times more important, with respect to the good of the population in general, that the business of the Government should be well done, than that it should be done by any particular class of persons.

401. If

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401. If a more extended introduction of the natives be a desirable object, must not the dissemination of the English language very much tend to promote that object?—I am not sure that natives would become one whit better adapted for the greater part of the employments in which we should place them, by having the English language, excepting in this, that by becoming acquainted with English literature, they would have a chance of having their understandings better enlightened; but that advantage, I think, is likely to be attained more speedily and extensively by the translation of European books into their own languages. I do not see, for example, how, for the administration of justice to his countrymen as a moonsiff, a native would be better qualified, *cæteris paribus,* by knowing the English language. The other great branch of the local administration is collecting the revenue; acting under the English collector in dealing with the natives; fixing their assessments and realising the demand. In this, also, it does not appear to me that there would be any peculiar advantage to the native in his knowing the English language, provided only the Englishman knows the language of the native.

402. Do not you consider that a community of language tends to identify a people with their governors?—If you could spread the English language so as to make it the language of the people, as well as of their governors, it would be important in many respects; though community of language has not much identified the Irish people with their governors. In itself it would be a most desirable thing that the people of India should speak the language of England, because it would introduce them fully to the field of European intelligence. This, however, I conceive a thing impossible. And while we aim at impossibilities, we are in danger of overlooking other good things that might really be done.

403. Is it not the case that natives of rank and property are averse to taking offices under the English Government at present?—I know no instance of their aversion to hold office. I believe that the families who held rank and power under the native governments, and who might hope again to hold them if our government were dispossessed, would be glad, from the hopes they might entertain to see it dispossessed; but I believe there is no aversion to the English Government among any other class of natives.

404. Does not the aversion proceed from there being no situation sufficiently high for them to take?—That I consider a different question. That there would be an aversion in persons of rank in the country to take such offices as we admit them to, I have no doubt.

405. But you apprehend there would be no indisposition on the part of natives of rank and property to take offices of distinction if they were offered to them?—Quite the contrary.

406. Do not you think it would be desirable, for the purpose of the natives taking those offices, that they should be acquainted with the English language?—There are certain offices which they could not fill without knowing the English language intimately. I should consider that a knowledge of the English language would be an indispensable requisite in any native forming a part of the legislative council. In others of the highest offices, it would be desirable for them to know the English language; but in most of the judicial, and most of the revenue situations, I should not think it an indispensable condition or a qualification of much importance.

importance. Even to be a member of the board of revenue, I should consider a well qualified native nearly as fit without as with a knowledge of the English language; supposing always that his English associates knew his.

407. Should you not consider it important in judicial situations, when cases came before them in which Europeans were concerned?—In cases in which Europeans and natives were concerned, it would be important that the judge should know both languages; but there are so many languages in India, that the judges being acquainted with all the languages of all the witnesses and parties that are likely to come before him in all cases, must be rare. At present everything is done through interpreters, and in the most bungling way possible, because the judicial proceedings are not recorded, either in the language of the people or of the judge, which undoubtedly is a very great absurdity.

408. Is not the Persian language as foreign to the natives as the English?—Quite so.

409. If, therefore, there is to be some intermediate medium of communication, would it not be as easy gradually to substitute English as Persian?—There is no doubt that might be done, but I should consider it nearly as great an impropriety as the other. It appears to me, that not only ought the proceedings themselves to be in the language of the parties and their witnesses, but that the record ought to be in that language. The judge ought never, unless it be a case of absolute necessity, to trust to translation for the sense of the evidence.

410. Are the higher classes of natives in general ignorant of the English language?—With the exception of those at Calcutta and the other presidencies, generally so.

411. You have stated, that all despatches are ordinarily submitted by the Chairs to the Court of Directors, with the exception of those specially addressed to the Secret Committee, and with the exception also of those which, though not so specially addressed, may upon examination by the proper officers, to whom in the first instance they are forwarded, appear to be of a nature which ought to be submitted to the Secret Committee. From your general experience, therefore, of both those classes of despatches, what has been the general character and importance of such secret despatches?—Their character and importance will perhaps best appear, if I state the subjects to which the secret correspondence is almost entirely confined. It relates, almost exclusively, to the transactions which take place between our local governments and other states. Scarcely anything in the interior government, in matters relating to the maintenance of order and security among the subjects, is considered secret. Those points only are thought to need secrecy which concern questions of peace or war; or questions relative to our connexions with other states; questions of alliance, treaty, and so on. From the very nature of the case it must appear, that all instructions upon those subjects must be of a much more general nature than in the other great branches of the correspondence. The events and occurrences which give rise to the secret correspondence have generally had place long enough before any instructions can be sent upon them, and have called for measures to be taken upon the instant, when almost all that remains for the secret despatches is to make remarks upon what has been done, or to point out some principles for future guidance, which must always be very vague,

vague, because the particular circumstances which shall determine the nature or quality of the measures required, can be so little foreseen, that they never can be the subject of precise instructions, but must be left to the discretion of the authorities on the spot. I should therefore say, that in comparison with the other great branches of the correspondence, embracing the whole government of India, the secret correspondence is of little importance. The secrets of the Indian governments, like most other secrets, are in general good for very little. In short, I do not think I am going a step too far when I say, that if all the secret despatches which have been sent from England to India, instead of having been sent, had been put into the fire, the situation of India would hardly have been different from what it is.

412. Will you state more fully to the Committee your view of the importance of the secret despatches in the months of April and May 1803, at the commencement of the European war in which this country was involved?—To that particular period I cannot speak from recollection; the despatches alluded to were for the purpose probably of conveying to the government in India a knowledge of the transactions that were taking place in Europe.

413. Has not the Board of Commissioners the power of sending out despatches of its own authority to India through the Secret Committee, in sending which the Secret Committee is simply ministerial?—Such is the practice; the Act of Parliament, in relation to the matters called political, the sort of subjects I mentioned before, gives to the Board of Commissioners the power of originating instructions when necessary, and sending them to the Secret Committee for transmission; and the power of doing this when necessary, they have converted, whether according to the intention of Parliament or not I do not know, into the practice of doing it always, for they have never allowed any other despatches to go. There have been no secret despatches (I speak generally) but those prepared by the Board of Commissioners.

414. In respect of the general administration of India, what proportion of that administration rests upon the Board of Commissioners for the Affairs of India, and what proportion with the East-India Company, its court, and its officers?—From what I have just now said, it appears, that in regard to the more important transactions with other states, whatever is done in England may be said to be done by the Board of Commissioners; and whatever be the importance of that particular branch of the correspondence which relates to these subjects, the whole of it rests with the Board. With regard to all the other branches, the case is materially different. The despatches on these subjects are prepared at the India House. The original concoction is there; only after they are so prepared, are they communicated to the Board of Commissioners, by whom alterations may be made; they make alterations, sometimes more, sometimes less extensively; but I may say, and with confidence, that of all the reflections, suggestions and instructions, which can affect the policy of the Indian governments contained in the public despatches, nine-tenths, I believe a much larger proportion, originates with the India House.

415. Do they not all technically originate with the India House, except the secret despatches?—They do; and I do not say that there may not have been instances of despatches, not upon secret subjects, prepared at the India Board, but these

these instances have been rare; and it is not technically, but literally, that I say nine-tenths of all that is important in the general despatches originates with the India House.

416. Would it not be irregular for the despatches to originate otherwise than at the India House?—Unless in the case of recusance on the part of the Court. The Board can enjoin the Court to prepare a draft upon any subject, and when this draft is sent to the Board, they have the power of altering, and their alteration may go to the length of substantially cancelling the Court's draft, and substituting another upon the subject.

417. Has not the India Board the power, upon any branch of Indian affairs, of originating a despatch, and sending it down to the Court of Directors, and requiring them to transmit it?—Not except in the mode I have now mentioned, cancelling the Court's draft, and substituting their own.

418. Does not it appear detrimental to the efficiency of the Court of Directors, and generally to the public service, that those members who come late in life from India, and therefore are the best qualified to take a part in the government of the country, should not be placed upon the committee of correspondence till they come to it in seniority, and does not it appear incongruous that they should be at the same time elegible to the situation of chairman and deputy chairman?—It appears so; always to compose the committee of correspondence of the senior members, does appear to me exceptionable on several accounts; but it has its advantages also, and I have not sufficiently meditated on the subject, to be able to say which preponderate.

419. How would you propose that the selection, if deemed preferable, should be made?—There could be no other mode but an arrangement among the directors themselves, in the same way as the chairs are now filled.

420. It being necessary that the chairman and deputy chairman should respectively be members of every committee, is it not expedient that they should have an opportunity in the ordinary course of rotation of being cognizant with the affairs transacted before each of such committees, and is not that an advantage derived from the existing system, by which the highest officer in the Indian service returning to England and becoming a director, becomes in succession acquainted with all those departments over which as chairman he may eventually have to preside?—I have no doubt that in the change of mode alluded to, something would be lost, in the manner suggested in the question; but the very inconvenience which is referred to is incurred in the most important of all instances; because it not unfrequently happens that directors come to the chair who have never been in the committee of correspondence, in which the most important business is performed.

421. Is it not the daily practice in the Court of Directors that even junior members of the Court take an active part in the management of those concerns?—When the despatches which have passed the committee of correspondence are carried into the Court of Directors, all the directors have there an opportunity of reading them, and the documents upon which they are founded; and it is then open to the youngest member of the Court to take any part he pleases in discussing the subjects, and to make any observations that occur to him.

422. Are there in the existing Board of Directors, any, and what proportion of gentlemen who have been in India, and in what capacities?—A great proportion have

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have been in India, some as captains of ships, some as military officers, some who have been in the highest stations of the government, others who have been members of the sudder adawlut and boards of revenue, and gentlemen who have long officiated as judges, as collectors of the revenue, and residents at foreign courts

423. Supposing an extreme case, might it not happen that the committee of correspondence might be composed entirely of captains of vessels, merchants, and persons having filled no important situations in India, and that those other members of the Court of Directors who are not in the committee of correspondence, might consist of persons who have filled the highest situations in the council, and judicial situations, and in the revenue department?—It is no doubt a possible case, and there have been occasions in which I think the fact has approximated to the supposition.

424. Is it obligatory on the Court of Directors to appoint the committee of correspondence by seniority?—It is a practice rather than a rule, and not at all obligatory. One committee is formed of the junior members, from this they rise to another, and then to another, and so on to the committee of correspondence; but all this is only matter of arrangement.

Martis, 28° die Februarii, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

JOHN SULLIVAN, Esq. called in, and examined.

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425. DOES your experience in India enable you to form any judgment of the practical effect of the existing mode of educating young men for the civil service of the Company?—I have always considered the collection of a number of young men of the same age, destined for the same scene, in the same college, to be a great mistake in the present system of education.

426. Do you apply that observation both to England and to India?—Both to England and to the colleges of India.

427. Within your observation have the young men, generally speaking, who have proceeded to India from the college in England, at Hertford, been so grounded as to be qualified to take part in the civil administration of the affairs of the Company?—I should imagine that there have been no instances of any young man arriving in India possessed of a sufficient acquaintance with the language to enable him to take a share in the administration of the country.

428. Is it at present required of the young men to be entered, upon their arrival in India, at the college established either at Calcutta or Madras, and what is the line of instruction prescribed at either of those colleges?—At Calcutta, the system of education embraces general literature; but I think the attention of the young men

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men is almost exclusively given to the acquisition of the Oriental languages; at Madras the education is exclusively confined to those languages.

429. What is the nature of the evils you apprehend to result from the congregating of these young men in the college at home, previous to their departure for India?—The great evil I conceive to arise out of the college at Hertford is this, that all the students there are nearly of the same age, they are all youths, and congregating together, they naturally get into habits of extravagance; they are not checked as they would be at the universities, where the society is general, and consists of young men and of persons of maturer age; moreover, I conceive that they lose the opportunity at Hertford of forming those connexions and friendships in this country which tend very much to rivet their affections to persons and things at home; such connexions are so many links to society in this country, and they are, I think, of great importance to any man who is destined for India, and who is to be entirely separated from his own country for so long a period.

430. Has it appeared to you that for the most part, when nominated to writerships, they have considered their fortunes to be made, and imbibe accordingly notions of extravagance and expense?—Such a notion is very probably imbibed at the colleges. The extravagance both at Madras and Calcutta, particularly at Calcutta since the establishment of the college, has been very great indeed.

431. Should you conceive the same effect likely to be produced in the event of those appointments being made, not the subject of nomination by individuals, but of general public competition?—I conceive the present effects to arise entirely from the congregating of a number of young men together in the same college, and I think if that cause ceased, there is no question but that all these effects which flow from the present education would cease also.

432. My question was, whether you conceive this effect to be in any degree attributable to the present mode of their appointment?—I could hardly say it arises out of the present mode of their appointment, but I have no doubt, at the same time, that the effect will be most wholesome if appointments of this kind were the result of competition.

433. Is not the present mode of appointment an individual nomination, without any corresponding responsibility?—I am not aware of the existence of any particular responsibility upon such appointments.

434. Is such mode of nomination, in your opinion, liable to appointments being made, not from the qualification of individuals, but from individual favour and affection?—That I imagine must be the case; I am not aware of any check upon the nomination of individuals to writerships; they originate, I imagine, usually in motives of personal favour and affection.

435. Which mode of appointment do you consider the best calculated for the efficiency of the service, the mode of appointment through competition, or the mode by the nomination of any individual or bodies of individuals?—By competition undoubtedly.

436. Do not difficulties present themselves to your mind, as likely to arise from opening such appointments to public competition in this country, provided the Legislature thought it politic so to do?—I have not given the subject any particular attention, but I should imagine there would not be any difficulty whatever.

 437. Are

437. Are we to understand you to say, that the writers so appointed are the only source from whence the patronage in India can be filled up?—That is the case under the present system.

438. Is that patronage, in all its various branches, of very great amount, as well as of very great importance?—It is of immense amount, and of vast importance.

439. Could you give us a rough notion of the annual amount of the civil service in India?—I cannot pretend to speak with anything like accuracy; there is a Return published of the number of offices, and I think I have heard that the civil servants on the establishment now are from 1,100 to 1,200, that is of the three presidencies.

440. What do you think it annually costs?—I rather think about 2,000,000 sterling, the whole civil service.

441. Do you know upon what principle the supply of writers to meet the demand is regulated?—I should suppose it is upon information derived from the local government abroad.

442. For instance, at this time do you happen to know whether there are not at the several presidencies many servants who have been sent out, unemployed?—There are at Bombay, I believe, now about 25 civil servants out of employ, and the number at Madras I think is 17; I do not know what it is at Calcutta, but according to the extent of the establishment, I should think two-thirds more than at Madras.

443. Has that arisen from the reduction of the establishment that has taken place in India?—The number out of employ is owing probably to new arrangements for the administration, but I am not prepared to say to what extent they have operated.

444. Are you aware whether, notwithstanding the large number unemployed at the presidencies which you have stated, that there have been new appointments made in the present year?—Yes, some very lately. I know a son of a friend of mine, who sailed for India a short time ago.

445. What is the fate of those civil servants, who after having passed the college, continue unemployed in India?—They receive the allowance of servants out of employ, when not actually in office.

446. Do you mean that every writer sent out to India, who does not receive employment, is paid by the East-India Company?—He has a certain allowance paid to him, a small stipend till he gets into office; I think the maximum of allowance is under 300 rupees a month to the senior servant, and lower in comparison to the junior grades.

447. Were you yourself at a college at Calcutta?—I was for a short time.

448. Does it appear to you that any mode might be adopted in India, to prevent the evil you have mentioned, of the congregating of these young men for a considerable period of time together at a college at Calcutta?—By resorting to the former practice of sending young men, on their arrival in India, to the provinces, and by attaching them to some public office, I think the evil would be completely removed, and in my opinion greater facilities afforded them of acquiring practical knowledge of the vernacular language, than they now enjoy in the college.

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449. Do you mean that you would have them act as our young men are accustomed to do in England, previous to their employment in the service?—Exactly so; before the establishment of the college, all young men who went to India were appointed to some public office, and that is the case at Bombay at this moment; they are, upon their first arrival in India, sent up the country and attached to some public office.

450. What are the languages that they learn in the college at Calcutta?—Hindostanee, Bengalee and Persian; those are the three principal languages at Calcutta.

451. Then you conceive, by their dispersion over the different provinces, they would acquire that which might be very essential hereafter, some knowledge of the vernacular language of the country?—Yes, they would have much greater facilities for acquiring the vernacular languages of the country, living in the provinces where they are spoken, than they can have at the presidencies; they have more communication with the people, business and language go hand in hand, they learn both at the same time.

452. You have stated as one of your objections to the college near Hertford, that the young men are rather of tender age; just inform the Committee at what age they are generally admitted at that college?—About 17 or 18; what I intended to state to the Committee was, that at Hertford they are all of tender age; I should call a young man of 17 or 18 of tender age; at the universities there are men of all ages from 16 to 26.

453. Then am I to understand that you consider 17 or 18 to be a tender age?—I think so.

454. Are you aware, till lately, the Act of Parliament repealed the Statute by which young men are obliged to stay four terms, if they went in at 17 or 18 they could not leave the college till 20 or 21?—I was not aware of the repeal of the Act; I do not think I have stated my answer with sufficient distinctness; the distinction I meant to make between the college at Haileybury and the national universities is this, that at the college of Haileybury all the students are about the same age, from 17 to 20, but at the national universities men go at 16, and may remain there, I believe, till they are 25 or 26, not as under graduates, but until they take orders, or embark in the active duties of their profession; there is, moreover, a society at the universities composed of individuals of all ages, and such a society naturally operates as a check upon the young men; the society at the college of Haileybury is confined to the students themselves, and to the masters.

455. Are you aware that when they come to Haileybury that there are two terms in the year at the college of Haileybury, and at other parts of the year they have an opportunity of visiting their families and friends?—Yes, just as they do when at the universities.

456. If that be the case, how can they lose their family or national character?—I am not aware of having said that they lost their family or national character, but that they have not at Hertford the same opportunities of forming friendships and connexions with the men who are destined to figure on the public stage in this country, as they would have at the national universities.

457. Are you not aware that at college those young men who are destined to serve in India form great attachments, which exist and last during the life of those young

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young men in India towards each other?—That, in my opinion, is an additional reason for giving them an opportunity of forming separate attachments, if I may so express myself, in this country, because the young men who are associated at Haileybury would meet in India at all events.

458. You have referred to many young men being separated from their home connexions, not in the sense of family connexions, but of those which relate to their nation; have you by personal observation discovered that many such instances can be found in India of servants of the East-India Company who do not look back to home, that is to say, to England, with the strongest national attachment?—I imagine that instances of a man losing his national attachment are very rare indeed; but I think I may state, that young men who have formed in youth strong attachments to persons in this country, will have their attachments more closely riveted to persons and things in this country, than persons who go out without having had such opportunities.

459. Your answer appears to show the expediency of making a community of interest and feeling between the servants of the East-India Company in India, and those who may have been left at home; can you state what proportion of the young men sent out to India, when they receive appointments in India, take India for their home, and relinquish all hope and desire of returning to their native land?—I am not prepared to adduce a single instance of a man having by choice adopted India for his country; but the feelings of a man who goes to that country, having formed strong connexions during his youth in England, and a man who goes to India without having formed such connexions, may be very different when they both return to England; the one may find himself a perfect stranger in this country, the other may renew various acquaintances with persons in different walks of life which he may have formed during a residence of two or three years at the national universities. It is a common complaint amongst Indians, that they are strangers in their own country, and a very irksome feeling it is.

460. The last answer has referred rather to the moral effect of sending persons at that age to India; are there not physical reasons which render it extremely desirable that the parties destined to reside for a great part of their life in such a climate as that of India should be accustomed early to the climate, before their constitution is formed by residence in a climate so different to that of England?—My answer had reference to the comparative advantages of the college at Haileybury and the national universities; and I have no hesitation in saying, from my own feelings and my own experience, that I should give a decided preference to the education at the national universities, as calculated to make home more comfortable on his return to a man who is destined to reside for many years in so distant a scene as India; but if the question is whether a man should go at the age of 16 or 17 or 20 to India, I should certainly choose the earlier age.

461. It was with reference to the physical effect of a protracted residence in India that the question was put?—I should say decidedly the earlier the better.

462. Have you any doubt that the prevailing feeling among the young men educated at Haileybury has been that of a provision having been already made for them, and they are to look at India principally with a view that they may be able to

to accumulate wealth there to remit to England?—I think a notion of that kind is very likely to be engendered at Haileybury.

463. Are you aware that the practical result of the extravagant notions imbibed at these colleges led, some few years ago, into an inquiry of the amount of debts contracted by the civil servants at Bengal?—I have a perfect recollection of that inquiry having been set on foot.

464. Did the amount of debt, as stated by themselves on that occasion, amount to several millions sterling?—As far as my recollection serves me, it was reported that the debts amounted to nearly three millions sterling; I know the amount was very large, but it may have been much exaggerated by report.

465. The principal qualification at either of these seminaries is confined principally, as I understand, to the acquisition of the Oriental languages?—That is the case of the colleges in India; at Haileybury the education is of a general nature.

466. Do you consider the acquisition of scientific knowledge, with a view to the situation which they are destined to fill in India, would be quite as essential as the acquisition in this country of the elements of the Oriental language?—I should think it of very great importance to young men, in their college education here, that they should study the science of political economy, mathematics, civil engineering and similar branches of education, confining themselves to the mere rudiments of Sanscrit, Persian and Arabic.

467. Do you consider that the public service has suffered an injury from the absence of such requisite qualification?—I think the qualifications of the public servants would have been much higher than they are if they had paid more attention to that branch of education.

468. Have the salaries of the young men, on their arrival at Madras, been augmented within the last 20 or 30 years?—I believe that they are now double what they were 28 years ago, when I first went to Madras.

469. Does that appear to have produced among them a further disposition to expensive habits, or on the contrary?—I should say that it has produced a further disposition to expensive habits.

470. What evidence have you to give to the Committee of extravagance existing at the college of Haileybury?—I believe it to be so very notorious as hardly to require formal proof. I could state an instance of a son of a friend of mine who was about to embark for India two months ago, and who was arrested in his progress to the ship for debt; bills to a large amount were brought to his father, and amongst others was a bill from the tobacconist of 107 *l.* for six months' supply of segars for this young man.

471. Are you aware that the parents of young men sign their names to a declaration that they will only supply them with small sums of pocket-money according to the number of terms they have been at the college, and that the young men are only liable to those bills which come under the view of the magistrates of the college?—I am not aware of the existence of that regulation; but I know, from the instance I have adduced and from other instances, that if there is such a regulation it is of no avail whatever in preventing the young men from contracting heavy debts.

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472. Will you favour us with your opinion how far the extravagance can be checked by any rules which the college may lay down, to which the parents themselves are parties?—It is a subject I have not given my attention to, I am not able to devise any rules.

473. Are you aware of any extravagancies prevailing at the universities of Oxford or Cambridge?—Very great extravagancies, I believe; but the young men I conceive are more under check than at Haileybury, because there are seniors as well as juniors residing at Oxford and Cambridge; amongst the seniors extravagant habits do not probably prevail.

474. You have stated that you are not aware of this regulation at Haileybury; are you aware of any regulation at Oxford or Cambridge?—I have no knowledge of any regulation.

475. Can you state generally, whether upon the whole the institution at Haileybury is or not considered generally by men conversant with India affairs, as a failure?—I believe it is generally considered that every object that was in contemplation when the establishment of the Haileybury college was formed, might have been more effectually obtained by other means. I also find, upon a reference to the evidence of Mr. Mountstuart Elphinstone before the House of Lords, that in his opinion young men who came to India from Haileybury entertained a great prejudice against India and its concerns. I do not pretend to use the exact words of Mr. Elphinstone, but that is the purport of them.

476. I think you stated that there was no responsible character attached to the appointment of the writers?—I am not aware of any responsibility.

477. Are you not aware, with relation to that observation, that no responsibility attached to the appointment of a writer, that every writer, prior to the admission into the college, must undergo the examination of the college council, according to the order made by the Court of Directors and sanctioned by the Board of Control for the Affairs of India?—I was quite aware that a certain degree of education was requisite, but that did not come under my idea of responsibility.

478. Will you have the goodness to explain what you mean by no responsibility attaching?—I merely meant that the Directors were left to select any person they might think proper for the appointment, provided he was able to pass this sort of examination.

479. You have stated that it is your opinion that a preferable mode of appointing to the service would be open competition?—That is my decided opinion.

480. Will you have the goodness to state whether you know that that practice prevails in any other service, in the King's service, or any other public service, as the means of appointing to any situation?—I believe that in the military colleges at Woolwich and Addiscombe commissions are given by competition.

481. Are you not aware that after young men shall have been four terms in Haileybury, that the place assigned to them is the reward of merit by competition?—Yes, I believe it is.

482. Are you aware that the young men are classed one, two, three or four, according to their merits?—Yes.

483. And are you aware that no writer can go to India, unless he takes with him a character for talent and good conduct from the college council?—The

young individual to whom I alluded, who went to India the other day, and who had contracted a debt of above 100 guineas for six months' segars, had of course the usual testimonials.

484. Are you not aware that it has happened constantly that young men who have been at Haileybury, have been rejected by the decree of the college council, in whom alone rests the authority, independent of the Board of Directors?—I am aware that instances of that kind have occurred.

485. You have commented upon the Calcutta college as a very objectionable institution; are you aware, upon its first establishment in 1800, that it was strongly objected to by the Court of Directors?—I have understood it was strongly objected to by the Court of Directors, on account of the expense which the establishment would occasion.

486. Are you aware that it has undergone great revision of late?—I have understood it has undergone some revision, but I am not aware of the nature of that revision.

487. By what mode does it appear to you that a diminution of the present large charges for the civil administration of the various departments in India, might be effected?—As a general answer I should say, that by bringing all the departments of the government immediately under the government itself, and by abolishing boards, and substituting individual for collective agencies, the expense might be materially reduced.

488. Are you of opinion that a great reduction might be effected by a general and systematic introduction of native agencies in the place of European?—Undoubtedly it might, to a very large extent indeed.

489. I believe you have had much intercourse with the natives in that part of India in which it has fallen to your lot to reside?—Yes; I had free intercourse with them for a great many years.

490. From your knowledge of their talents and capacity, have you any doubt that the natives might be generally, and very generally introduced into the civil administration of the affairs of that country?—I have no doubt whatever upon the subject, that their introduction to office would be attended with great advantage to themselves and to the state.

491. With a view to that object, does it appear to you that the education of the natives on a sufficiently extensive scale has yet been considered by the government of that country?—I believe it has not. In the Madras territories, about six years ago, the subject was considered by Sir Thomas Munro, and it was determined that a certain number of schools should be established in each province, at the expense of the government; that plan has been partly acted upon; if fully followed up, it would have, to a certain extent, furnished the means of giving a common education to the natives of India.

492. Could you state in detail what was Sir Thomas Munro's plan as regards the Madras territories?—The outline of Sir Thomas Munro's plan was, that there should be a native school established at every tehsildary, or subdivision of a province, and that the master should be paid partly by a stipend from the Government, and partly by fees from the scholars; that was the outline of the plan.

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493. You had to provide a school at Coimbatoor on Sir Thomas Munro's plan?—I had.

494. Were there any schools established in that province?—Under the plan I have detailed, two schools were established in two of the tehsildaries; the province consists of 14.

495. Was the system in progress when Sir Thomas Munro died?—It had just began to be carried into effect when he died.

496. Will you state what was the amount of the cost of each of the two schools established?—I think the stipends of the two schoolmasters might have amounted to about 150 rupees each a year, exclusive of what the scholars paid.

497. Do you think the expense of these two schools exceeded 400 rupees a year?—No; not more than that.

498. And of that province what is the revenue, and what is the population?—The population of the whole province is about 850,000 souls, and the revenue nearly 27 lacs of rupees.

499. Have the natives any schools of their own?—There is a schoolmaster and village schools in almost every village in India, but the education that they are enabled to give is of a very confined kind.

500. In the schools established by our Government, is the English language taught?—Not at all.

501. Does it appear that there is any indisposition on the part of the natives to learn the English language, or otherwise?—On the contrary, I should say they show a very marked partiality to the English language, and a great wish to learn it.

502. Should you not consider, with a view to incorporate the natives more effectually in the administration of the affairs of their own country, that the gradual extension of the English language would be highly desirable?—I should think the spread of the English language a point of the highest importance, and no means should be left untried to accomplish it.

503. What are the disadvantages under which the natives at present feel themselves to labour with respect to the British Government?—Their exclusion from all offices of trust and emolument, and from that position in the administration of the country, civil and military, which they occupied under their own princes.

504. If the career of the whole civil administration were open to them, although Europeans entirely might not for a long period be dispensed with, is it your opinion they would feel solicitous to perfect their education, and acquire the English tongue?—Unquestionably they would.

505. You have stated in your last answer, that the natives are excluded from all offices of trust and emolument; it has been stated by other witnesses, among the discussions that have taken place the last two Sessions of Parliament, that natives are in possession of incomes of 500 rupees a month, and are judicial and revenue officers; are you aware of any such fact, in the district in which you have resided?—That is not the case at Madras or in Bengal; I believe it to be confined to Bombay.

506. Are the Committee to understand, that the system varies at present in the various presidencies?—Very much so indeed. In Bombay they are, under recent Regulations, entrusted with much higher offices, and with much larger emoluments than

than they are at Madras; and I believe there are offices at Madras higher paid, though very few in number, held by natives, than are to be found in Bengal. Under the present Regulations of the Madras government, the highest salary a native can attain to is 700 rupees a month, and that only after having served as the head native officer of a province for 20 years; he must be an old man therefore before he gets possession of the office, and he must serve 20 years before he can attain the maximum allowance; at this moment, I believe in the Madras territories there is not more than one native who really draws that allowance.

507. Are you not aware of the multitude of the different nations occupying Hindostan Proper, and the territories subject to the three presidencies?—I am.

508. Is there not such difference between the natives of each territory respectively, as may account for the impossibility of giving to some natives of some of those territories a power which they would apply to the case of the natives of other territories; might not the Government of the presidency of Bengal find it more easy to find natives capable of administering the office than the presidency of Bombay?—I believe it is universally admitted, by those who are conversant with the natives, that they are throughout India qualified by talents, acquirements, and industry, for all offices in the civil administration of the country; there is not the same unanimity as to their moral fitness. I am not aware, under the Bengal government, that there is a greater range for selection than in the territories of the other presidencies, except that the territories of Bengal are of greater extent.

509. You have referred to the salary of 700 rupees per month, as the largest salary received by any native under the presidency of Madras, and you have stated generally, that the natives are no longer in possession of those offices to which they were exclusively appointed under their native government: does not the system which the natives have always enjoyed under the British Government, compensate to them, in a very large degree, if not entirely for their loss of the exclusive possession of offices, to which, under the native government, they considered themselves entitled?—I should say, that nothing can compensate them under such exclusion.

510. Is there any instance, under the original government, of parties holding offices for as many years as many of those whom in your experience you have known so to hold them?—I should say for quite as many years. The tenure of office under the native governments was very precarious. Every functionary was liable to be dismissed at the mere pleasure of the ruling authority; at the same time, it is but fair to say, that the natives under the British Government hold their offices by a tenure almost as uncertain.

511. Is there not a moral certainty that persons holding offices under the British Government will continue to hold them, whether native or European, as long as their conduct shall appear to deserve it?—By no means.

512. Can you give instances of natives having been recently dismissed from offices of trust and profit under the British Government?—A multitude.

513. Without cause alleged or proof?—Without proof certainly, not without cause alleged.

514. Does

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514. Does that answer apply to the reduction of the establishment generally, or to the dismissal of individuals generally without cause?—To the dismissal of individuals without such cause.

515. Do you know a single instance of a native being dismissed from employment under the British Government, from any motive which you believe to have been corrupt?—Not from any corrupt motive on the part of the Government.

516. Or on the part of the agent?—Not from corrupt motives.

517 Are you aware of instances of such removal and of such motives, namely, of corruption on the part of the native government?—No doubt, under the native government, they were dismissed frequently from the most corrupt motives.

518. Has Sir Thomas Munro's plan of education been proceeded with since his death?—His plan did not go beyond what I have stated, the establishment of a certain number of schools in the provinces; it was partly introduced into some of those provinces, but it was by no means adequate to the wants of the natives.

519. Would any difficulty, in your opinion, arise in the endowment of the schools at the principal town of each province in which the English language and the elements of European science might be taught?—No difficulty whatever; I should think that the establishment in the principal town of each province of a school of that description, and at the same time of schools in each of the subdivisions of the province, upon the plan proposed by Sir Thomas Munro, would be highly advantageous.

520. And if in such schools prizes were given, such for instance as the public employment hereafter of those who obtained them, would not that, in your opinion, be an essential stimulus to the natives?—I think such a plan would operate most beneficially in every respect, and in every way.

521. What is the present condition of the native Christians in India with regard to promotion?—They are not, under the present regulation, eligible to any judicial office; I am not aware of the existence of any restriction upon their employment in other departments. I had in my own office several Christians filling responsible offices; one of them was a tehsildar, or native collector of a subdivision of the province.

522. Are they not excluded from the offices which other natives are authorized to fill?—In the judicial department entirely excluded.

523. Can you state what is the cause of such exclusion?—I am rather inclined to think it was from the want of distinctness in the wording of the Regulations in the judicial department; it was intended, I believe, to exclude from judicial offices Christians descended from Europeans, not, I think, native Christians born such, or becoming such by conversion. I employed Christians, in common with other natives, without any reference to their religion, and I found them amongst the most able and efficient on my establishment.

524. So that the natives who are converted are in a worse situation than the other natives not converted?—Decidedly in a worse situation.

525. Have the conversions to Christianity in any part of the Madras territories been numerous?—In Tinnevelly they have lately been very numerous, embracing sometimes whole villages.

526. Were

526. Were the converts principally Hindoos or Mussulmans?—Almost entirely Hindoos; there is scarcely an instance on record of the conversion of a Mussulman.

527. What order of people were they, of the most part higher or lower?—Almost entirely the agricultural class, the lower orders.

528. Does the Christian convert, by either the Hindoo or the Mussulman law, forfeit his claim to hereditary property?—I have heard it stated that under the present law he does forfeit his claim, that he is in fact considered to have lost caste.

529. Do you consider that the existence of such a law has operated as a bar to the progress of conversion among the natives?—I should think it had.

530. Are you aware whether any attempts have been made by the British Government to introduce a modification of that law?—It has been considered, I believe, a very delicate subject to meddle with; but I rather think the attention of the local government has lately been drawn to the subject, with a view to introduce a modification.

531. So as to give the Hindoo convert the privilege which the convert to the Mussulman religion would have enjoyed?—Yes.

532. Can modifications be introduced into the Mussulman criminal law at the instigation of our Government?—Very considerable modification has of late years been introduced into the Mahomedan criminal law.

533. Is it your opinion therefore that, by temperate means, it might be possible, sooner or later, to remove this bar to the advancement of conversion?—I should imagine there would be no particular difficulty.

534. In the Government procuring a declaratory Regulation, allowing the Christian convert to share any hereditary property as he would have done if he had remained a Hindoo, is that not interfering in a most delicate question with the religion of the country?—I do not consider it to be a question which affects the religion of the country.

535. What would the natives consider it?—Under the Mussulman government, converts to Islamism were always exempt from penal consequences; additional privileges were indeed conferred upon such converts. In passing, therefore, a law declaring that a change of religion should not deprive a man of his hereditary rights, we should only follow the practice of our Mussulman predecessors.

536. Does it not, nevertheless, follow, that in order to maintain our right in India, we are bound in honour and good faith not to interfere with their religion in any way whatever?—Not to interfere with their religion; but I do not consider that such a declaration would be an interference with their religion. It seems to be a disputed point, whether the conversion of a Hindoo to another religion does, by the Hindoo law, deprive him of his right to inherit ancestral property. So there were disputes as to the suttee being enjoined by the Shasters; we have put a stop to the burning of widows, by law, and the sacrificing of infants, by law. I do not conceive that we are pledged to sanction the infliction of penalties upon such of our native subjects as may choose to embrace Christianity.

537. Do you conceive that the British Government might pass a declaratory law, relieving the native converts to Christianity from such disabilities as those which now attach to them as such converts?—Not in those express terms, but in general

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general terms, that the courts of law should not determine that a man had forfeited his right to ancestral property because he had violated the laws of caste; as the government of Lord Wellesley passed a law, declaring the sacrifice of the aged and infants to be murder, and as Lord William Bentinck has passed a law prohibiting suttees.

538. I would ask you whether the practice of the suttees was or was not authorized by the Hindoo law?—A variety of opinions were entertained upon the subject; the preponderating opinion seemed to be that it was not ordained by the Shasters: in the same manner it is doubtful now whether, by the Hindoo law, a Hindoo becoming a Christian is liable to be disinherited; and therefore I conceive it would be no violation of their religion if, in communication with the natives themselves, the British Government were to pass such a declaratory law.

539. Does it not generally happen that the Hindoos who embrace the Christian religion do lose their possessions?—I believe wherever the point has been litigated, that has been the opinion of the judicial authorities; but I cannot at the same time call to mind any particular instance of this.

540. Does it happen that the description of persons of whom these converts consist, are not persons possessed of property?—Yes.

541. Having stated that whole villages have been converted in the Tinnevelly country, does not that imply that some at least of them must have possessed property?—Certainly, but if all the members of a community at once become converts, there is no room for litigation; all these persons (however small it may be) have an interest in the land of the village in which they live.

542. Have you observed whether the Christian converts have been afterwards treated by their fellow-countrymen with contempt or derision, or does there not exist any very strong feeling upon the subject?—My opinion is, that there does not exist any strong feeling on the subject.

543. The Hindoos and the Mussulmans sit together very friendly, without reference to each other's religion?—Without any reference whatever to religion, there is a feeling of perfect equality; they live in social habits.

544. By sociability you do not mean those habits of intercourse which are understood by the term in England; you do not mean that the Hindoos will eat with the Mussulmans, or the Mussulmans with the Hindoos?—No, decidedly not.

545. Is it your opinion that the existing Church establishment in the presidencies in India is adequate to its purpose?—There was, I think, only one chaplain in all the southern provinces of Madras when I was there; I should consider, therefore, that the establishment was quite inadequate. In my opinion there should be a chaplain at every station. I officiated as chaplain myself during the 15 years I was stationed at Coimbatoor.

546. In the Madras presidency are there at present any Christian churches?—Yes, there are churches, I think, at all the principal stations; there are several churches at Madras, there is one at Trichinopoly, one at Bangalore, one at Masulipatam, one at Arcot, and one at Cannanore. I think those are the principal.

547. Do you think it would be desirable to have a chaplain and a church at each of the provinces?—I think it would be desirable for the community, and desirable also, as far as the interests of the national church are concerned.

548. Tell

548. Tell the Committee what you mean by provinces; in how many provinces is it divided?—There are 20 provinces, or zillahs, in the Madras territory.

549. Some as large as Yorkshire?—Yes, some of them.

550. Have the churches been built with due regard to economy, or in an expensive and costly style?—The buildings in India are almost entirely conducted by agency, generally under the superintendence of the engineers; if they were built by contract, they would be much more economical.

551. Are you aware of any instance in which great abuse has been found to exist as to the cost in the building of churches?—I have no recollection of any such abuse; I remember that the Scotch church at Madras cost a much larger sum than the estimate.

552. Is it your opinion that the superintending care of one bishop is amply sufficient to the extent of the establishment in India?—I should think decidedly not sufficient; at the same time I conceive it to be of greater importance to increase the number of chaplains before another bishop is appointed. Of two wants, the want of chaplains is the greater.

553. Are you not aware that a considerable increase has of late years been made to the clerical establishment in India?—I am not aware of any increase on the Madras side. When I left India I recollect that there was only one chaplain in the southern provinces.

554. Are you aware that the expense of the Church establishment has very greatly increased of late?—I am not aware of any particular increase in that establishment; the territory has increased, and establishments of all kinds have increased.

555. Are you aware that correspondence has taken place between the Society for the Propagation of the Gospel in Foreign Parts, and also the Directors and Board of Commissioners upon the subject of two or three new bishops being appointed, and that there was every disposition on the part of the authorities to add to the existing number of one bishop which was made, and that the means of paying the salary has alone prevented it?—I have heard that such a correspondence has taken place.

556. You have stated that when you left India there was but one chaplain in the southern provinces of Madras; please to state to the Committee the lineal extent of the district which you describe as the southern province of Madras?—The superficial contents of the province of Coimbatoor is about 8,500 miles, and I should think the other five of the southern provinces were nearly equal in extent to that, and I think you may take the population of the seven southern provinces at about five millions and a half.

557. Do the chaplains employed in India go out from England, or are they appointed in the East Indies?—I believe they are all sent from England.

558. There would be no difficulty in getting chaplains?—I suppose there would be no difficulty at all.

559. You have no native chaplains?—No.

560. What are the obstacles which, in your opinion, stand in the way of a more unrestricted intercourse from England to India?—Provided the means are afforded to the natives of obtaining prompt redress for any injury that they may receive from

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from a European, I am not aware of any objection to the free introduction of British skill and capital into India.

561. At present a native, except to a very limited extent, is incapable of obtaining redress for injuries done to him by Europeans, otherwise than by proceedings at the presidencies?—The jurisdiction of the justices of the peace in the province is limited to petty cases of assault, and to debts of a small amount, between natives and Europeans, and the punishment is limited to a fine of 500 rupees; that is the extent of their jurisdiction at this moment; I am not aware that there are any powers of imprisonment. There is some indistinctness in the wording of the Act of Parliament, and in consequence doubts have arisen which of the two officers was to exercise the jurisdiction of the justice of the peace, the magistrate of the zillah or the criminal judge of the zillah. It was decided by the Madras government that the criminal judge alone should exercise the jurisdiction, which confined the chance the native had of obtaining redress for injuries received from Europeans, inasmuch as he can now resort only to one magistrate, whereas if both the magistrates and the criminal judge exercised the jurisdiction of justices of the peace, he might take his choice, and go to either.

562. Is the criminal judge of the zillah a native or an European?—An European.

563. In what way might the English settler be rendered amenable in the provincial courts equal with the native?—If it should be a *sine qua non* that English criminal law was to be administered in all cases where an Englishman might be a party, it would be necessary to have a professional lawyer upon the bench of the provincial court; I conceive that the provincial court, by some enlargement of its jurisdiction, might be made a competent tribunal to take cognizance and afford redress for injuries committed by Europeans upon the natives, and that would preclude the necessity of the natives seeking redress from the supreme courts of the presidency.

564. Does it appear to you there exists in the minds of the natives any other indisposition to, or jealousy of English settlers, than that which arises from the inequality of redress in case of injury done to them?—No, on the contrary, I have always observed that Englishmen, whose pursuits in India are purely of a commercial nature, live in much more familiar habits with the natives than men who are clothed with public authority, because it is the interest of all men who are engaged in such pursuits, to conciliate the natives as much as possible; it is through the natives alone that they can expect to carry on their speculations with success.

565. Have you observed any attempt on the part of English settlers to treat the natives, or their religion, with scorn or contempt?—No such instances have fallen within my observation; many complaints have been made to me, as magistrate, of injuries received from the public functionaries of the government, civil and military.

566. Is it your opinion that the natural resources of India can be fully developed without a free access to India by Englishmen of skill, science, and capital?—I think the presence of such Englishmen in India would facilitate in a very material degree the full development of those resources.

567. Do

567. Do you think the mere agricultural cultivation of the land could ever be a sufficient inducement to British subjects establishing themselves in India?—I should think decidedly not; any attempt of Englishmen to emigrate to India, for the purpose of the cultivation of the soil, would inevitably fail, and bring ruin on the speculators.

568. If, therefore, a free access to India were permitted, is it your opinion that the result would be that a greater extent of persons possessing more or less capital would go to India, with a view to commercial speculations?—I think generally that would be the case; persons of a different character might in the first instance go out, but I should suppose that one or two attempts of that kind would be sufficient to deter others from following their example. The extreme difficulty of persons of that kind going to such a distance as India, and the expense attending the voyage, is almost a sufficient bar to any but persons of some capital proceeding to India.

569. Is there not evidence as to the part of the country of which you have been speaking, of the existence of sources as yet unexplored?—There are very few sources of industry in India that are not in some degree explored by the natives, but I consider there is a wide field for their further development by Englishmen of skill and capital.

570. You state that some of those sources have been partly explored by the natives; are you aware of any great public works that have been established in any part of India since the British power obtained there?—Almost all the great works of India are works constructed under the native government, by the government itself, not as in this country by joint-stock capital. In the province with which I am most conversant, I think there is a very wide field for new works, and for improvement of works which were commenced under the native government. I allude particularly to canals of irrigation, and for internal navigation, the creation of which would most materially improve the public revenue and the commerce of the country.

571. As the law now stands, was not every individual embarked in commercial transactions in India liable to deportation upon alleged charges, without trial?—I believe the government have the power of sending any man out of the country, without trial.

572. Do you consider such a power essential to the good government of that country?—The exercise of such a power is generally attended with the absolute ruin of the individual, and therefore, although I am not prepared to say decidedly that the government should not possess such a power, that is, I am not prepared to say, that the power should not reside somewhere, yet I think it should only be exercised in the most flagrant cases, and where the safety of the state was endangered by the actual residence of the individual in India.

573. Must not the existence of such a power, so unqualified, act to some extent as a discouragement to persons embarking their capital in a country so circumstanced?—It must certainly operate as a discouragement; but if Europeans are well acquainted before they embark for India, that a power of this kind is vested in the government, they can have no just cause of complaint, if it should afterwards be put in exercise. I think at the same time, it may be practicable to devise some means

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means of giving Europeans a regular trial, before that power is exercised, against them; that it should be only exercised, in short, under the sentence of a competent court.

574. Can you imagine any case, except it be the one you have described, of imminent danger to the state, in which it might not be sufficient to suspend the individual in some way or other, until the accusation and the defence could be remitted home?—Suspension presupposes the filling of some office; he might be remitted to a particular station in the provinces, or he might be placed under some surveillance, until a reference could be made on the subject, to the authorities at home; but I should think the least objectionable mode would be to give him a regular trial upon the spot, and that if it should appear that he had been guilty of any act at variance with his duties as a good subject, that then the sentence might be carried into effect against him.

575. Do you wish to be understood as saying, that when these cases have occured, no previous inquiry into the misconduct of the party has taken place?—There must, I suppose, have been some previous inquiry, but how far such inquiry may have been *ex parte* or otherwise, I am not prepared to say.

576. Are you able to inform the Committee how many instances have occurred in the last 30 years, of the deportation of any individual from India?—They are very rare indeed, I do not think there have been above half a dozen instances for the last 30 years.

577. Have there been as many as half a dozen?—I imagine not so many, I do not recollect above three or four for the last 30 years.

578. I think you have stated that the resort of Europeans to the East Indies, possessing skill, science and capital, ought to be encouraged?—Yes.

579. Are you not aware there is not only no impediment but every encouragement given to persons so qualified, to go to India?—I believe they are now obliged to get a licence; I am not aware of any other restriction.

580. Are you aware that the resort of persons of that character has been greatly increased of late years?—Very greatly.

581. Have facilities to their going to India been offered?—I believe that the facility has been greatly increased of late years.

582. Are you aware in various instances that the refusal to permit individuals to proceed to India, on the part of the Court of Directors, has been superseded by the direction of the Board of Commissioners for India?—I have seen instances of that kind mentioned in the public papers, where the Board of Commissioners have interfered, and have compelled the issue of the licence.

583. Are you aware what is the practice when a person wishes to go to India?—I imagine he applies for permission to the Court of Directors, and if they refuse permission he can apply to the Board of Commissioners, and they have the power of ordering that permission to be granted.

584. Are you aware of the number of instances in which the Board of Commissioners have taken a different view to the Court of Directors?—I have no means of knowing the exact number, but it must be matter of record.

585. You have observed, that in order to render succour to the native against ill-treatment by an European, that means of prompt redress should be afforded to him,

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him, and that prompt redress could only be had by European judges being appointed to every zillah court?—I think I stated, in answer to that question, that if it was considered a *sine qua non* that English law should be administered to the native, that it would be necessary there should be an English lawyer as a professional judge on the bench of the provincial court.

586. Are you not aware that would entail a heavy expense on the revenues of India?—On the contrary, I think that an arrangement might be made which would occasion a very great saving of expense.

587. Point out to the Committee how that arrangement is to be made?—By employing natives, in the first instance, largely in the details of the civil and revenue administration of the country, and by the concentration, in a certain degree, of the powers in the same authority, and by the substitution of individual for collective agency.

588. By which we are to understand a total alteration of the present system of government in India?—That is not my meaning; it is a remodelling of the different branches of the administration in the manner proposed at different times by Sir Thomas Munro, by Sir John Malcolm, by Sir Charles Metcalfe, and by the Judges of the Supreme Court of Calcutta, and by the present Governor General himself, I believe.

589. Explain to the Committee what they are to understand by the term, "substitution of individual for collective agency"?—The administration in India is now carried on in a great measure by a series of boards and courts, consisting of two, three, and four judges or members. Lord William Bentinck has lately abolished some of the courts and boards, and has lodged the duties formerly entrusted with two or three members of courts or boards, in a single individual.

590. Has the constitution of the press in India varied considerably at different times since your acquaintance with that country?—It has varied considerably at Calcutta and at Bombay. It was originally placed in Calcutta and Bombay under the censorship of the chief secretary; that was removed I believe under the government of Lord Hastings, and the press of these presidencies is now quite as free as the press of this country. At Madras it remains under the most rigid restrictions, no article being permitted to be published there that does not pass the ordeal of the chief secretary, who is, *ex officio*, the censor. Within the last few years native papers have also sprung up in Calcutta; three or four papers in the native language are, I believe, published weekly.

591. Is the Committee to understand that the law respecting the press differs materially at Madras to what it is at Calcutta or Bombay?—It is under a completely different system at Madras. At Calcutta the editors of newspapers are licensed, and therefore publish what they please upon their personal responsibility, under a regulation which is registered in the Supreme Court. At Bombay the Governor in Council passed a similar regulation, but upon application to the Supreme Court for registry, it was refused; and therefore I imagine the government of Bombay have no means of enforcing penalties against the editors of newspapers, except the power of remitting them to England. At Madras the papers are submitted to the chief secretary before publication, and he runs his pen through whatever paragraph may appear to him to be objectionable.

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592. Are you aware of the grounds upon which the distinction is made in this particular, between the freedom of the press at Madras, and of the other presidencies?—I am not aware of any grounds for the difference that exists.

593. Does the difference depend solely upon the will and pleasure of the existing governor?—Not of the governor individually, the government must be concurring parties with him in the act, except when orders may have been received from the authorities in this country.

594. When you say the government, you mean the Governor in Council?—Yes.

595. When you say that the papers in Bombay and Bengal are perfectly free, you mean that it is subject always to that peremptory deportation of the individual writer?—I believe by the press regulation at Bombay, the editor is liable to have his licence withdrawn.

596. And the consequence of his licence being withdrawn would be his expulsion from the country?—I mean not his licence to reside, but his licence to print would be withdrawn.

597. Would it not rest with the pleasure of the local government whether his licence to reside also should not follow on the withdrawal of his licence to print?—I believe that would be the case, the government might deprive him of his licence to reside.

598. Does the state of society at Calcutta permit, in your opinion, of the possibility of impannelling juries to decide upon offences of the press?—Yes; I should think it contains all the materials for a most impartial jury.

599. Would it be possible to extend that system also to the other presidencies?—Certainly, to both the other presidencies; the society of all the presidencies, particularly the society at Madras and Bombay, is composed, for the greatest part, of officers of the government, civil and military, who of course have a leaning towards the government. They would, I imagine, be always ready to vindicate the authority of government in any question of the press which might be brought before them as a jury.

600. In the case of native editors, might it not be possible to impannel a mixed jury of Europeans and natives?—I should think there would be no difficulty whatever in impannelling such a jury.

601. Under these circumstances, is it your opinion that the continuance of this summary power in the Governor General is essential to the security of our possessions in the East?—I should think if it was made a matter of express enactment, that the publishing of offensive attacks upon the government were to be considered as libels, and as such tried by a jury, there would be no necessity for government retaining that power.

602. Does there not exist a regulation prohibiting the servants of the Company from taking any share in any political publication at the several presidencies?—Orders to that effect, I think, were sent out to India some years ago.

603. Although the object of such an order might have been intelligible, so long as it was thought expedient to keep down the press in India, do you conceive that the same ground would exist for such a regulation after the press in India should have become more or less free?—I think the order in question is attended with this

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very great disadvantage, that government are now deterred from making use of the agency of their public servants in explaining measures of government, which are frequently railed against from not being properly understood.

604. So that as the regulation now stands, the government, however severely attacked by the press, is incapable of defending itself through the assistance of its public servants on the spot?—I think, under the existing orders, that no public servants would be warranted in writing in the public journals, even in defence of the government.

605. You stated in one answer that you were not prepared to deny that the power of deportation ought to exist somewhere; and you stated in a subsequent answer, if matters which might be offensive to the government were made libels, and triable by a jury, such power of deportation might be abandoned; but you did not state who in the first instance should be the judge of what might be offensive to the government; and you stated that a jury might be found in each of the three presidencies under these circumstances, and having also stated that the civil government of India is conducted by about 1,100 strangers in the country, and the Committee believing that the population so superintended by 1,100 strangers is not less than 60,000,000, and may exceed 100,000,000, do you conceive that any government so entrusted to the hands of such a small number of persons, can be conducted without some such summary power of stopping anything offensive to it, as is the power now possessed by the existing regulation?—I have already stated that the European society in India is composed for the most part of the servants of the government, and that those servants are completely dependent upon the government from their first entrance into it until they quit it. There is therefore naturally a great leaning in the minds of such persons to the support of the government, to the vindication of the authority of the government and of their own authority, which is linked with it; and therefore I think that a jury, composed in a great degree of such elements, would always be disposed to vindicate the authority of government, from whatever quarter attacked.

606. You have stated that the mass of society in India is composed of the servants of the Company, do you know what proportion of the European inhabitants of Calcutta are servants of the Company?—I should suppose that, taking civil and military together, a very considerable majority of the society at the presidencies consists of public servants of the government.

607. You consider there is a very considerable majority?—Yes, of those who mix in society; I take society in the usual acceptation of the term; I do not mean the great mass of the European population.

608. As offences might be committed by persons not mixing in what by the last answer might appear to the witness to be society, would that feeling, resulting from the temper and disposition of a jury of European inhabitants, be so great as by the former answer he seemed inclined to impute?—It was not my intention to state that the jury would, on any occasion, be composed exclusively of public officers, but that the majority would probably be men whose minds, from habit and from interest also, are prone towards the support of the government.

609. Have you had any experience sufficient to enable you to state whether in any trials in which the interests of the government might be involved, the servants of

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of the Company were, as such, challenged by the other party?—I can recollect several trials which took place more than 20 years ago, in which a jury was composed of European inhabitants of Madras not in the service; a new trial was moved for, and a special jury impannelled, consisting chiefly of Company's servants; not one of these individuals was, I believe, challenged by the parties who were interested in the trial.

610. I presume there are many individuals of a class competent to serve as a jury on such trial who do not move in what you call the society of the presidencies?—Yes, at the presidencies there are a considerable number of that rank of life; but in the provinces of Madras, and in Bombay, the numbers are small; in some of the provinces of Bengal they are more numerous.

611. In whom resides at present the power of making laws for the local government of India?—Under the present system the power is not, I imagine, very exactly defined; nominally the Governor General in Council for the territories under the Bengal presidency, the Governor in Council for the territories of the Madras presidency, and the Governor in Council for the territories of the Bombay presidency, have the power of making regulations, which are binding upon all the native inhabitants of India; but if such regulations affect persons living within the jurisdiction of the Supreme Court, the registry of such regulations by the Supreme Court is an indispensable preliminary to their validity; and it has occurred that the Supreme Court has refused to make that registry, as in the case of the press regulation of Bombay, and therefore the regulation within those limits has no force.

612. The regulations affecting only individuals who are without the limits of the presidencies, require no registration?—They require no registration, provided they do not affect persons subject to the jurisdiction of the court; but persons living 1,000 miles from the court may be made, and have been made, liable to that jurisdiction, by the construction put upon the Acts of Parliament by the judicial authorities; so that, in point of fact, the power, not of making laws, but of giving the regulations passed by the local governments the force of law, resides in the Supreme Court; and this power may be exercised by the court, to the great prejudice of the government itself.

613. The power therefore of making or enforcing laws for the government of the whole native population of India rests in four individuals, subject to the consent of the Supreme Court, to register or not to register their decree?—Precisely so.

614. By whom are those four individuals appointed?—The Governor General and the Governors are appointed by the Court of Directors, with the consent of the Crown, signified by his sign manual. The Members of the Council are appointed by the Court of Directors.

615. Does any mode appear to you by which it might be possible to effect any improvement of the constitution of so important a body as this legislative council?—I have lately had an opportunity of reading a correspondence between the Supreme Government of Bengal and the Judges of the Supreme Court, relative to the formation of a legislative council, and in that correspondence I find a plan proposed by the Judges, that over the largest portion of the British territories in India, the whole powers, executive, judicial, and legislative, should be vested in the Governor General in Council. It has always been my opinion, that unless such

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plenary powers were vested in some one authority, that our power in India would never rest upon a stable foundation: I formed that opinion from the frequent contests that have occurred between the King's courts and the Company's governments on the one hand, and between the supreme government and the subordinate governments on the other; and it appears to me that the only preventive for those disputes is to make one dominant authority. I should conceive, therefore, that the plan which the Judges have suggested, and which appears to be, to a certain extent, concurred in by the Governor General, might, under modifications, be made to answer the objects which these authorities have in view. Part of the proposal of the Judges is, to admit the Judges of the Supreme Courts to participate with the Governor General in Council, as a legislative council, over a certain portion of territory, leaving the remainder, and the largest portion, under the exclusive authority of the Governor General in Council: that proposition has been objected to by the Governor General, upon grounds that appear to be irresistible. I should think that a legislative council, composed of the Governor General and Council, with the ministerial officers, secretaries, and heads of departments, attached to him, and with such an admixture of professional lawyers of reputation as would enable that tribunal to execute judicial as well as legislative functions, would be the best organ that could be constituted for the government of our empire in the East. I am the more inclined to express this opinion, because it is frankly avowed in the letters of the Judges, that there is in fact no limit whatever to the jurisdiction of the Supreme Court, so that by degrees that court is, I conceive, likely to sit in judgment upon all the acts of the executive government. Another part of the plan of the Judges is, that convenient divisions should be made of the whole territory, and that, for each portion of those territories, a tribunal should be created, which should exercise a large portion of the civil administration of the country, and exercise judicial functions, civil and criminal, equal to those which are now exercised by the King's courts, and the Company's supreme courts or the sudder adawlut, at each presidency: I conceive that such a plan, if well arranged, would operate most beneficially, inasmuch as it would provide an adequate and convenient tribunal for the administration of justice to persons of all descriptions; and, at the same time, give the government an effectual control over the whole provincial administration, and prevent the recurrence of those abuses which have frequently occurred in that administration, and of which the government have had no knowledge, until their attention has been awakened by tumults and insurrectionary movements amongst the people, as in the recent instances of Mysore, Malabar, and Canara: of the real cause of such disturbances the government are at present ignorant, and have been obliged to depute local commissioners to investigate the same. Under a controlling authority on the spot, such cases would not I imagine occur.

616. Whatever administrative powers might be delegated to the tribunals to which you allude in the subordinate presidencies, or whatever those divisions might be, am I to understand that you propose to concentrate the power of legislation in the council at Calcutta?—In a supreme council or authority, of which the Governor General and the present council should be component parts.

617. You have stated some suggestions were made by the Judges and other authorities in India, with respect to the constitution of such council; does any other mode

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mode occur to yourself as a means of establishing a different legislative assembly?—I think, under present circumstances, that the best composition for a council would be the Governor General as president, the Chief Justice of the Supreme Court of Judicature as vice-president, the members of the present Council, and one or perhaps more of the present Judges of the Supreme Court, with the ministerial officers of the government, and two or three native gentlemen of rank and character.

618. In the necessary absence of anything like a constituent body in India, might it not be desirable that the civil servants of the Company at the subordinate presidencies should themselves nominate or delegate one of their own body to sit in the council at the legislative assembly at Calcutta?—That presupposes an entire change in the constitution of the government; at present the civil servants of the Company are all official persons, and so connected with the government, that I should think it was hardly consistent with the situation they hold to form them into a regular constituency; I have, however, not at all considered the subject, and would therefore beg to be understood as speaking with great diffidence.

619. Alluding to the heads of departments at the several presidencies, do you conceive any advantage might result from the civil functionaries of this description, delegating one of their own bodies to the legislative council?—I think under present circumstances it would be better to leave the power of selection with the authorities in this country, or with the Governor General on the spot, making provision at the same time for that altered state of society which will gradually arise out of the congregation of a greater number of Europeans at Calcutta, and at the different presidencies; I should think it expedient then that persons not in any way connected with the government should have a seat in the legislative council; and in the draft of the bill drawn out by the Judges, it is proposed to admit persons who are not servants of the Company.

620. With a view to uniformity of action in the government of India, would it, in your opinion, be desirable that, in lieu of the separate jurisdiction of the present government of the subordinate presidencies, lieutenant-governors should be appointed, all under the control of, and communicating directly with, the Governor General of India?—Plans of that kind have been broached by some very eminent men; I conceive that there is no mode of administration that would, upon the whole, be so efficient and economical.

621. In addition to other advantages arising from this system, would it, in your opinion, tend to abridge the immense volume of correspondence with the highest authorities, relating to matters of comparatively an insignificant importance?—I have no doubt it would have that tendency in a very marked manner; supposing India to be divided, in the manner suggested by the Judges of the Supreme Court, into convenient circuits, and an authority placed at the head of each circuit, charged with the civil and political government of that division, such agents would alone hold direct correspondence with the Governor General, instead of a great multitude of agents, through whom the correspondence is now conducted; and if duplicates of the reports prepared for the Governor General were transmitted to the authorities in this country, all the information connected with the affairs of that division of the territory would be compressed into a comparatively small compass.

622. You

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622. You contemplate, then, the detaching the Governor General from the local charge of Bengal?—That was part of the plan of Sir John Malcolm, which I confess appears to me to be full of advantages, for it would leave the Governor General at liberty to superintend and control all the departments of the state.

623. Is it your opinion that the power not being at present sufficiently defined between the King's courts and the government is a source of great evil and great danger to the government?—Referring to the recent disputes between the Supreme Court of Bombay and the Government of that presidency, I conceive that the continuance of such a divided authority must always menace great evil to the government, and injury also to the Supreme Court, because, in a struggle between the two authorities, the government may feel itself compelled to adopt measures which cannot fail to degrade the court in the eyes of the community.

Veneris, 2° die Martii, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

HOLT MACKENZIE Esq. called in and Examined.

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624. IN what capacities have you served in the East-Indies?—On leaving the College of Fort William, I was first appointed an Assistant in the Sudder Dewanny and Nizamut Adawlut, and afterwards became Reporter of Civil and Criminal Divisions, and then Deputy Registrar and Translator of the Regulations into the Persian and Bengalese languages. In 1816 I was removed to the office of Secretary to Government in the Territorial department, which I held until I left India in December 1830. For about 20 months I was employed in the interior, partly as Secretary to the Governor General, and partly as a supernumerary member of the Revenue Board. And whilst holding the office of Secretary to Government, I belonged to various committees, being for a considerable time a member of the College Council and of the Committee of Public Instruction.

625. You were at the College at Haileybury before you proceeded to India?—Not at Haileybury; the college was then at Hertford.

626. Has this institution appeared to you beneficial in improving the qualifications of the civil servants; and if so, in what manner and to what degree?—I believe that it has been beneficial. It had very able men attached to it, and therefore it was a very good school. It operated to delay the time when the young civilians left their native country, by about two years; and the rules prescribed at its institution went in some degree directly to raise the standard of qualification, but not to any great extent. On the whole, though the College has, I think, been useful, and I consider the recognition, which such an institution implied, of the necessity of requiring from the civil servants of the Company some qualification

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for office, yet I conceive that the same object might have been easily attained without it.

627. Should you say that the advantages derived from it were equivalent to the expense of the institution itself?—I think not, because I conceive the same advantages could have been attained without the expense. It would be difficult otherwise to weigh the one against the other.

628. Is it your opinion that this institution might be dispensed with without any serious public detriment?—I think without any public detriment.

629. In the event of its abolition, would you suggest that any and what new rules relative to the age and qualification of civil servants should be adopted?—I think the plan lately acted upon by Parliament might be generally applied; I mean that under which they allowed certain civilians to go out without entering the College. At the same time I think the civil service is such, that a higher standard of qualification than has yet been required, ought to be made a condition of appointment. I have no doubt that in England any standard of qualification that can well be desired, may be obtained without having a special institution for the purpose of communicating it; and it strikes me as being unreasonable for Government to go to any expense in furnishing the necessary qualifications, when it has so good a service to offer as the reward of their attainment.

630. Will you state what you intend to convey by the expression higher qualification, and in what respect you propose the qualification should be raised?—I should think that from all the gentlemen appointed to the civil service there should be required a much more extensive acquisition than they now generally make, in every branch of European knowledge which the College professes to teach, especially on subjects connected with the science of government; and that the successful candidates might be equal to the best men that the College sends out.

631. In regard to age, what alteration would you suggest?—I think it would be an advantage if they were not to go out to India till they were 22.

632. At present the young men sent from the college at Hertford are of necessity entered at the college at Calcutta on their arrival in India?—Yes, that has hitherto been the plan; but it applies of course only to the Bengal service.

633. Has it been found generally, that on their entry into the college at Calcutta, they have made any such proficiency in oriental languages as to qualify them for public business in India?—There have been some instances of very considerable proficiency, but in general their acquisition of the languages has not been such as to enable them to enter immediately on public service.

634. What is the general nature of their studies on their entrance into the College at Calcutta?—Their prescribed studies are confined exclusively to the acquisition of two oriental languages. The condition of entering on the active duties of the service is such a knowledge of two of the oriental languages as, in the opinion of the examiner, may enable them to transact public business.

635. And during the period of their acquiring these languages in Calcutta they are maintained by a public allowance?—Yes, they receive in Calcutta 300 rupees a month, and a house.

636. Should you say that the institution of the College at Calcutta has been publicly useful, and if so, to what degree?—I think it has been useful chiefly in providing

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viding books, by which the acquisition of the native languages has been greatly facilitated. But that object having been accomplished, I think, on the whole, it is disadvantageous to the public service, instead of advantageous.

637. Is there any corresponding institution at Madras or Bombay?—At Madras there is a collegiate institution, but it does not, I believe, precisely correspond with the College at Calcutta, as that college stood a short time ago. There never were European professors at Madras: there were professors at Calcutta until very recently, but the office has now been abolished. At Calcutta there are a paid secretary to the college council, and paid examiners: I believe at Madras the secretary and examiners are gentlemen in the Company's civil service, who receive no pay. I believe the young men at Madras did not live in any particular building, but I cannot speak positively to that: in Calcutta, they generally resided in what are called the Writers' Buildings, under the general control of the secretary to the college council. At Bombay there never has been any college for the civil servants; but the examiners were paid officers, in which respect, however, a change was proposed when I left India.

638. Are you aware what was the ground of the abolition of professorships in the College at Calcutta?—Chiefly because the advantage derived from them did not appear equivalent to the expense.

639. The systems at Calcutta and Madras not being the same, are you aware whether any different result was produced in the education of the young men at the two different establishments?—I am not sufficiently acquainted with Madras to say what the result was there.

640. What has been the plan pursued at Bombay?—At Bombay, I believe, the Government make no provision for instruction in the languages, except requiring the knowledge as a condition of promotion in the service.

641. There being no such institution at Bombay, should you say that either at Calcutta or Madras any superior advantage over Bombay was felt from the existence of those establishments?—I should think no sufficient advantage to justify any material expense; of course some facility must have been afforded by the assistance of English gentlemen in aid of the native teachers.

642. Was it not found at Calcutta that the civil servants were very generally involved in debt?—A great number were.

643. To what cause do you attribute that?—Perhaps the main cause was the facility of their getting money; and as they were very young men, they could not well be expected to be very prudent. Their being allowed to remain at Calcutta, though idle, was a cause of the debt being aggravated, the capital affording more facility and greater temptation to expense than remoter districts.

644. Did not the facility of obtaining money arise very materially from the certain prospects which it was supposed that all young men arriving as writers there must have of civil promotion?—I should imagine so, certainly.

645. Is there any course of study specially applicable to India, except the study of the languages?—I am not aware of anything else. Formerly, I may remark, there was, I believe, no institution in England in which lectures were given in the science of political economy; and law, and history, and the science of government were not, I apprehend, much attended to in the general course of education. Still

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less was it usual to direct the attention of young men to the information necessary to a knowledge of India and its inhabitants. But nevertheless I see no cause to conclude that, if there were no college for civil servants, all that they ought to acquire might not be got elsewhere.

646. Do you not think that as much knowledge might be acquired in India of the native languages in about six months as during the whole time they are at Hertford?—Generally I do not think it desirable that gentlemen destined for India should attend much to its languages in England; they can acquire them with so much greater facility in the country when living among the people.

647. Do you not think that the best course of education for a young man in India is that which would in England qualify him to fill any high public office as a statesman?—Yes; at the same time I should think that the study of Sanscrit, if that language can be acquired without sacrificing the more important object of acquiring European knowledge, would be useful, as it opens almost the whole of the Hindoo dialects of India.

648. You would give the students some instruction in languages in England?—I should like them to study the Sanscrit, though I consider the question of languages to be one of inferior importance, in so far as the education in England is concerned.

649. The best education for an English gentleman would be the best for the Company's service?—With the difference that arises out of the necessity of learning languages, of which the acquisition would be a mere matter of curiosity in an English gentleman.

650. Does it appear to you that their early distribution through the several provinces and chief places in India after their arrival, would enable them more speedily and more effectually to acquire the several languages of the country than their being confined together in the expensive city of Calcutta?—I think it would be decidedly an improvement to send them to stations selected chiefly with reference to the character of the individual officers employed there. I do not think there would be any difficulty in making such a selection, and getting the local officers at many of the stations to exercise (as friends, not at masters) all that general supervision over the young men which would be required. By such a plan their studies would be as much facilitated, and their good conduct better ensured than could be done by a collegiate institution in Calcutta.

651. In Calcutta I presume they can make little or no proficiency in acquiring any of the different vernacular languages of the country?—There is no want of facilities if they choose to make use of them. In general I think they do not acquire much readiness in conversation, though there have been some who have done so. It depends a good deal on their mode of life. The mass of the population of the town speak Bengalese, and many, with almost all our servants, converse with us in Hindostanee.

652. Does it appear to you that the present plan of nominating those who are to become the future civil servants of the Company in the East, is calculated to secure the qualifications necessary for the discharge of the important functions they are to be called to?—The plan of nomination goes only to secure qualifications a little better than the ordinary average of gentlemen of the same rank; and as

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every office held by a civilian, at least every office that ought to be filled by gentlemen deputed to India, is one of importance, I conceive that any plan which gives India only such an average of talent, must be considered to be defective. It has certainly produced men of much talent, and the highest class of offices may be probably well filled, there being few; but looking to the great mass of offices, which are also very highly important to the well-being of the people, since every judge and every collector exercises an important influence on their comfort, I think the system has not been such as to send out to India a body of men fit to exercise, as it is desirable they should be exercised, the functions that belong to the civil service.

653. Under the existing system is not the patronage exercised in this respect by the individual Directors considered to be their private patronage, their remuneration for whatever trouble the duties of their situation may have imposed upon them, and is subject to no public responsibility?—As far as I know, the case is so.

654. That being so, must it not necessarily happen that their selections are very much influenced by those private feelings of affection and connection which are common to all mankind?—It certainly is so; and the appointments, I imagine, have always been avowedly made under the influence of such motives.

655. How then can you be disposed to say that such a system would be likely to ensure a qualification little better than the ordinary average of gentlemen of the same rank?—My notion is, that the chance of success in India, the prospect at least of rising to the highest offices there, depending much on the qualifications of the individual, the value of an appointment to a man of talent is much higher than to an inferior man. The consequence, I conceive, must be a desire on the part of those who distribute the patronage, to seek among persons standing to them in the same relation, those who are likely to make the best use of the appointments they give; and that they will consequently, among any considerable number of individuals in whose prospects they have the same interest, select the most talented. Something should be allowed for the qualifications required as a condition of appointment; but to that I should not attach much importance. I believe, however, that there has been, independently of other considerations, a general desire on the part of the Directors to send men who would do them honour; and that motive, though I do not imagine it can operate to prevent predominance of private feeling, I have no doubt gives a salutary direction to the force of private feeling.

656. Would there not be advantageous results, at least in an equal degree, from any system that might be devised of appointing to the situation through the means of public competition?—I should think that by competition a much higher average qualification might be obtained.

657. However distinguished we know many of the civil servants of the Company to have been in their career in India, should you say that, for the general mass of offices to be supplied, there was a sufficient room for a selection in India on the part of those in whom the appointment rests in England?—I think not. I think we have many judges and collectors inferior to what would be if there was a fuller scope of selection in India, or competition for entering the service in England.

658. Does

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658. Does it appear to you necessary to provide civil servants from home to fill all the offices now held by that class of functionaries, or could you suggest any limitation?—I think too many civilians have been employed in India, and that it would be extremely desirable to substitute in many cases the agency of natives for Europeans, subject to European control.

659. So long as the remuneration of those who discharge the duties now exercised by the Directors of the East-India Company, consists in this patronage, must not there be a tendency to counteract any plan that goes to devolve these functions upon natives?—I think the Directors must be more than men if they consider without prejudice any plan that goes to deprive them of so valuable a patronage.

660. What check at present exists for regulating the supply of writers to the demand; is it altogether at the discretion of the Directors themselves?—I believe it depends on the application of the Indian government; whether that rule has been practically applied, I cannot say.

661. Do you happen to know whether there are at this period a great number of civil servants unemployed at the several presidencies, and whether, notwithstanding that circumstance, new appointments have been made this year?—I believe there are supernumerary servants in India, and I have heard generally that new appointments have been recently made in England.

662. You stated that a certain number of civil servants were unemployed; do you know what proportion the number of servants so unemployed bears to the whole number of servants on the general establishment of the Company?—I do not remember the precise number.

663. Do you know whether such non-employment of the servants of the Company at the several presidencies arises from a reduction of the establishment, or from any misconduct on the part of individuals, or from their unfitness for active duty?—I believe it arises almost entirely from a reduction of offices, but partly from too many having been sent out.

664. In a country all the superior offices of which are filled by Europeans, whose number cannot, if deficient, be reinforced and supplied in a less interval of time than a year, is it not desirable that there should be a fund of Europeans occasionally unemployed, in the respective presidencies, whose services may be applicable on such occasional emergencies?—I think not. There are in most offices assistants who can be removed temporarily into a higher office, without any serious inconvenience; and I consider it to be extremely unadvisable, both on the score of expense, and on the score of individual happiness, that English gentlemen should be kept in India not actively employed. To have any number out of employ is a great evil.

665. You stated that you believed the supply from England to be regulated by the demand made by the local government; are you aware that at different periods the respective governments have transmitted formal representations requiring more and more servants in the military or civil employment to be sent out; as, for instance, on the settlement of the Mahratta war?—I have no doubt they have frequently stated the want of servants.

666. And that, in consequence, the patronage of Directors of the East-India Company was either enlarged or diminished, according to such local demand?—I presume

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presume that has been the case to a considerable extent, though, as I said before, I spoke rather of the rule than of its practical operation. No very strict rule has, I imagine, been observed, though certainly, in general, the extent of the patronage of the Directors, in respect to the civil service, has chiefly depended on the representation of the local government as to the necessity or otherwise of appointing writers.

667. You said the patronage of the Directors is exercised without any public responsibility; are you aware of any greater responsibility attaching to the Directors in their nomination of young men to the public service in India, than attaches to the King's Government at home in their employment, either of officers in the civil service at home, or in the diplomatic service abroad, or in the army or navy of England?—No; I should imagine the King's Ministers, in introducing young men to office, exercise their patronage very much in the same way as the Directors.

668. Are you aware that in the selection of servants for the East-India Company, the Directors are bound to select such individuals as may have shown themselves duly qualified, according to certain tests prescribed by Act of Parliament?—I am aware of certain tests being required, but I do not consider those tests to operate at all to secure the necessary talent.

669. The question is whether they do not interpose a difficulty in the exercise of the patronage of the East India Company, which difficulty is not interposed in the case of the patronage of the Crown?—I do not think that they have practically operated to interpose any material difficulty.

670. In point of fact, does public opinion in any way operate in the appointment of the young men to these situations, or are even the names of the young men sent out to India known to the public of this country?—I imagine not.

671. Are not the establishments, civil and military, at home, matters of notoriety exactly as large or as limited as those establishments in the East India Company?—I am not quite sure that I understand that question.

672. The question refers to the first introduction of young men to the civil service of the Crown in England, and the civil service of the East India Company in India. The appointments of clerks in public offices in England are not notified to the public at any time in any official manner; it is understood they are communicated to the public indirectly by the works of private individuals in the annual calendars: is any greater or less notoriety given to the appointment of young men to the civil service of India, on their first being sent out?—No; I believe the two classes stand in that respect alike.

673. Are the clerks in the public offices in England the body of persons from whom functionaries, discharging the highest political, financial, diplomatic, and other civil functions in the State, can alone be selected?—I believe not; but I really cannot speak to the point, excepting very generally.

674. Might not a selection made by competition, while it raised the standard of talent, lower the standard of birth; and would you not be likely to get persons whom the Company would not approve of?—I should not be apprehensive of that consequence; but the point is deserving of attention.

675. Would it not be extremely difficult, in the present tendency of public feeling, to impose restrictions on the question of birth?—Certainly, if the plan were otherwise one of perfectly open competition.

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676. Are the supernumerary civil servants out of employment in receipt of allowances from the Company in India?—They all get what is called the allowance of civil servants out of employ.

677. Practically, what security against incapacity does the present system afford, though a man is a very incapable servant, from his having been nominated a writer, does he not as a matter of course get into the receipt of public pay?—There are one or two cases in which writers have been lately sent home, chiefly on account of idleness; and there is now a rule established in Bengal, that if they do not acquire a competent knowledge of the languages within two years, they will be sent to England. If they attain the qualification in respect to language, I do not think there is any other incapacity that would practically keep them out of office.

678. Do you happen to know, that prior to this rule there were instances of individuals remaining four, five and six years at the charge of the Company in India, without being able to attain the modicum of qualification in language which is required?—There were instances of their remaining several years, but I do not remember the number.

679. Do you consider the patronage exercised in India by the local government as very superior in its amount and importance to the patronage at present exercised by the Directors of the East-India Company in the appointment of young men to the situation of writers?—I am not prepared to weigh the one against the other; they are both very important; but if the question were confined to the civil service, my experience would lead me to say, that the Governor General's patronage is of small value, scarcely equivalent to the annoyance of having to decide on contending claims.

680. Take the patronage generally?—Still I cannot weigh the one against the other.

681. Does not the patronage exercised in India itself, form a very large portion of the general patronage of India?—It is certainly very considerable.

682. Would not the introduction of a system of appointment to the situation of writers by public competition tend very much to abridge the amount of home patronage?—Certainly. Indeed, as I understand the plan, I should suppose it to exclude from patronage all offices appointed by competition, if the competition is to be perfectly free.

683. You have stated also that the introduction of a system of appointment of natives to situations in India would tend also to abridge the necessity of so large an amount of home patronage?—Yes.

684. In these two events, would it, in your opinion, be a matter of necessity that a body should be instituted for the sole purpose of exercising whatever amount of home patronage might still remain?—No; I should think the home patronage might be so limited as to render it quite unnecessary to have a body specially appointed for its distribution; it of course must rest somewhere.

685. In the event of the amount of patronage being thus limited, and it being necessary to place that amount in the hands of some persons in England, considering the nature of the whole case, with regard to the interest of India as well as with regard to the interest of the public in England, what would you conceive to be the best scheme to adopt under such circumstances?—I confess my impression is,

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is, that if the government of England and its colonies be administered on principles of strict economy, it will, as far as concerns the immediate interests of this country, be rather a desirable thing to give the King's Government the home patronage of India; for I should rather apprehend, that with a strictly economical system of administration, the King's Government will scarcely be strong enough without some such addition to its patronage. Supposing, therefore, economy to be enforced, and all improper interference in the patronage of India prevented, I should think the increase of the patronage of the King's Government to the extent implied in the question, to be on the whole an advantage. This I am aware is not likely to be a popular notion; and if it should be thought objectionable to give the patronage to the King's Government, I should imagine it could be easily disposed of otherwise: civil appointments might be given to the Universities or other bodies, as has been more than once proposed; the principle of competition being largely, if not exclusively, followed. As to military appointments, I see no reason why they should not be sold; I mean cadetships.

686. You have stated, that with regard to the domestic interests of England, you could view without apprehension the Indian patronage being vested in the King's Government; what effect do you think such an arrangement would have on the good government of India?—I should imagine, if the system of service and promotion in India be continued unchanged, it would have no immediate effect on the government of India. I see no reason to think the King's Ministers would appoint better men than the Directors; on the other hand, I see no reason for imagining that they would appoint worse. If, however, the King's Government were to be subject to no control in the general administration of India, and could turn it to purposes of patronage, I should then apprehend greater abuse than I conceive is likely to occur under the present system.

687. Has it ever occurred to you to say what you think would be the best system of patronage?—As far as the civil service is concerned, I think the plan of competition at public seminaries would be a great improvement. It was, I believe, acted upon by Mr. Wynn. I am not aware of any better plan.

688. In any case, you contemplate a considerable reduction of patronage, and at the same time the introduction of a large economy by the employment of natives in a great variety of capacities in which they are now not employed?—Yes; I think the number of offices held by Europeans may be immediately abridged to a considerable extent, and gradually still further. The principle I should adopt, as regards the civil service, is to send no more men to India than is necessary for maintaining the supremacy of England and for securing good government to India; and I believe that in the ordinary administration of the country good government to India is best to be secured by employing the natives in all details. Thus, I conceive that the judge of a district should be regarded as the governor of a district, and, subject to his control, the decision of individual cases should rest almost solely with the natives themselves. It seems unreasonable to expect that a few English gentlemen can otherwise do much towards giving the people a government much better than they could give themselves. Our main business must be to check misconduct in those we employ, and to prevent the strong from tyrannising over the weak; and although, while we hold our power over India, we must, by a system of appeal,

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appeal, control the administration of justice, yet the cognizance of all cases in the first instance might, I conceive, at a very early period, if not immediately, be vested in the hands of natives.

689. Are you aware what proportion of native functionaries are now employed in the province of Benares, and what proportion of Europeans?—Of European district officers there are in the four districts of that province four European judges, two of whom are also magistrates; and two districts have separate magistrates, —four collectors, four registrars, and, if the complement be full, four assistants. On the present system the full establishment of European functionaries is ordinarily four; there is a very large body of native subordinates.

690. Can you state to the Committee the average number of natives employed in respect to the four chiefs whom you now mention as being Europeans?—I do not recollect the precise number; they are very numerous, and vary in different districts. I can, however, get the information and furnish it hereafter.

691. State to the Committee what, from your experience, is the capacity of the natives of India generally for civil employment?—I think generally they are exceedingly acute as men of business, and very industrious.

692. Will you state what has been done towards promoting the education of the natives of India since the last charter?—The government has established the following new colleges or academies: one in Calcutta, for the Hindoos; one in Delhi, and another in Agra, for both Moslems and Hindoos. The old Moslem College at Calcutta has been very much reformed, and the study of English latterly introduced into it. The same course has been followed in regard to the old Hindoo College at Benares: all being now efficiently superintended and supplied with books. It has also established a few schools in other parts of the country; and other seminaries, established by individuals, have been aided by it.

693. Do you mean Europeans or natives?—Partly both. In Calcutta, the Vidyalaya, which is an Hindoo academy for the instruction of natives in English, was chiefly established by natives. It has been aided by government, and a large share in its direction has been latterly taken by Mr. Horace Hayman Wilson, who is junior member and secretary to the Committee of Public Instruction; and to that it mainly owe its success. The other schools which have been established either by individuals or by societies, have been aided chiefly with books; and support has been given to an association called the School-book Society. For a detail of what has been done by government in the way of education, I beg to refer the Committee to the reports of the Committee of Public Instruction, who are required annually to submit to the government a statement of everything of importance regarding the institutions with which it interferes; and these reports will convey to the Committee more precise and accurate information than I can give. The resolution of government appointing the Committee of Public Instruction was passed in the year 1823; and there are periodical reports of the Committee, giving a full explanation of everything that has been done since.

694. Prior to the year 1813 several of these institutions had been founded by natives themselves?—The colleges I mentioned as existing previously were established by the British Government. That at Benares was established by Mr. Jonathan Duncan, and endowed out of the surplus revenue of the province; the

the college at Fort William was established by Mr. Hastings, and endowed with certain lands in the vicinity of Calcutta. Both had been left chiefly to native management, and very little attended to.

695. Are you aware what interval elapsed subsequently to the provision of the Act of 1813, before any measures were taken to apply any part of the funds as directed out of the surplus of the territorial revenue?—It was not till 1823 that the government adopted any fixed scheme for the promotion of native education. It had previously afforded assistance to particular institutions, and also attended to the improvement of the two colleges at Calcutta and Benares. Before 1823 I do not think they had any assured conviction of having a surplus revenue, and the propriety of adopting some general scheme for the promotion of the education of the natives was recognized on the first occasion on which the question of disposing of a surplus revenue was formally discussed. This was at the time when Mr. Adam was Governor General, immediately after the termination of the administration of Lord Hastings. Before that period the government could not well reckon with confidence on a surplus, and events have shown that they reckoned much too sanguinely on that occasion.

696. Do you recollect what was about the territorial revenue drawn from India at that period?—I think, about 20,000,000 *l.*

697. And what sum has the government since appropriated to the purpose of native education?—In Bengal a lac of rupees was placed at the disposal of the committee of education, in addition to the funds already belonging to the existing institutions.

698. Are you aware whether the Government of England make any and what provision for the education of the people of England?—I am not aware of any charge on the general revenues of England for purposes of education in that part of the United Kingdom.

699. Do you conceive the two cases to be in any way parallel?—No: I consider the distinction to be, that the people of England govern themselves and educate themselves; the people of India are governed by the English.

700. The native government of India, which preceded the British Government, established certain institutions of a charitable kind, partly for the relief of sickness, and partly for instruction; have these institutions been maintained by the British Government?—I believe that all endowments which existed when we acquired the country, were maintained; but in the Bengal provinces there were few, if any, that could properly be called institutions established by the government for the purpose of instruction. Particular Brahmins and other learned men frequently had allowances on the condition of communicating instruction: these have been continued where the grant of the former government appeared to be perpetual; where the grant was personal, it has ordinarily lapsed with the death of the party. I do not now remember, within the Bengal presidency, more than one institution for education established under the preceding government, which has come to our notice.

701. In addition to that one, you have already stated that Mr. Hastings founded one institution, and Mr. Duncan another, and that the Government have contributed to the maintenance of other institutions prior to the year 1823, when they established a formal system for carrying into effect the Act confirming the last charter?—Yes.

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702. With a view to the more general identification of the natives with the government of India, do you consider that the more general extension of the English language is highly desirable?—Yes, I think it is very desirable.

703. Has such extension been upon the whole, in your opinion, hitherto discouraged or encouraged by the government of India?—Latterly it has been an object in all the government institutions to introduce instruction in the English language.

704. Systematically?—Yes, latterly; I do not think the same policy had been previously pursued. There is a paper, written by the late Mr. Charles Grant, which was, I believe, printed by the Committee of Parliament on the occasion of the last charter, and which contains many important suggestions on the subject, submitted by him to the Government as far back I think as 1793; but his views were not acted upon. Of late years it has been the policy, or rather the desire, of the Government to extend the English language.

705. But have they taken any active measures for giving effect to that desire?—Not until subsequently to the establishment of the education committee in Bengal.

706. Is not the language in which the proceedings of the courts of justice are conducted, the Persian language, a language almost as foreign to the natives of India as the English language itself?—Persian cannot, in any part of the provinces belonging to the Bengal presidency, be said to be almost as foreign to the natives as English. In Bengal Proper, indeed, it is I believe unknown to the great bulk of the people, I mean of those who read and write; but there in the lower courts the proceedings are held in the Bengalese language, and the regulations are translated into that language. In Bahar, and in the Western Provinces, most men, whether Mussulmen or Hindoos, of any pretence to education, understand Persian; and although it be unknown to the great bulk of the people, who are agriculturists following the plough, and do not read or write at all, speaking only their local dialect, still the Persian is known to a great multitude of persons, not only in the chief towns, but throughout the country.

707. Should you say that the Persian was as familiar to the people of India as the French may be to the people of England?—Much more so in the western provinces of the Bengal presidency. Almost every public officer with a monthly salary of 30 *s.* or upwards, knows it, I believe, enough for the purposes of business; and the same may be said of the majority of all classes who can read and write at all, excepting probably the mercantile classes, many of whom, though possessed of great wealth, do not understand Persian. I should therefore conceive that a knowledge of Persian descends much lower in society in Hindostan, than a knowledge of French in England, though it is rarely spoken.

708. The proceedings are conducted through interpreters?—Not generally; the examinations are actually conducted in the common language of conversation, the Persian is only used for record.

709. In your opinion would it be possible gradually to introduce the English language into the proceedings of the courts of justice in India?—I think it might be done gradually, if the attainment were made a condition of promotion in the service. In Bengal the natives are generally anxious and willing to learn it.

710. Explain

710. Explain to the Committee what you understand by the gradual alteration of a language in judicial proceedings?—I understand that the change should be made district by district.

711. Then complete and absolute in any one district at a given period?—Yes.

712. Is not every regulation of the government translated into the native language of the district in which it may be promulgated?—No. In Bengal we have a translation into Bengalese, for the use of the people in that province: the Persian translation is the only one that the natives of the other provinces have. The regulations used formerly to be translated into Hindostanee, but the translation was found to be less intelligible to the people generally than the Persian. In fact the language of the body of the population varies so much in different parts of the Upper Provinces, and, from want of schools and books, is so little settled, that it would be extremely difficult to translate the regulations into any language that would be understood there, unless a separate translation were made for every district, if even then. But, practically speaking, I believe the Persian regulations are accessible to as many people in those provinces as Acts of Parliament are in England. The men of business read Persian, and the rest of the people, when their rights are affected, ascertain through them the bearing of our regulations. And so I suppose it is with the laws of most countries.

713. Does there exist on the part of the natives a disposition to become acquainted with the English language, or otherwise?—I think on the Bengal side of India there exists a very strong disposition; indeed it has been very strongly evinced both at Agra and Delhi, which may be considered the most remote of the chief towns of the provinces under Bengal.

714. Have you any doubt that the distribution of prizes for education, and the making, in some measure, the acquisition of the English language a condition of preferment and employment to the natives, would be such a stimulus as would tend rapidly to spread the language through the Indian empire?—No doubt its extension would be greatly promoted by any preference being given to those who had acquired it.

715. Are the Committee to understand that you think there is a reasonable probability under any circumstances of the English language being at all generally diffused throughout any part of our dominions in India, and becoming in any degree known to the great body of the community?—I think the chance depends very much on the number of Europeans who may reside in the country. I do not think the thing hopeless, though time is of course required for such a change. A knowledge of English is rapidly extending in Calcutta and the villages adjoining; and that the natives will nowhere object to the acquisition of English, may perhaps be inferred from the circumstance that the young Rajah of Bhurtpoor, of his own motion, at least with the free consent of those about him, had commenced the study of English before I left India, upon the avowed ground that the supreme government being English, it was reasonable that he, a Hindoo prince, if required to acquire a language foreign to his state, should select the language of the existing supreme power, in preference to the Persian language of the Mogul court.

716. Do you not consider it as rather a refined mode of flattery, to acquire the English language?—I have no doubt it was thought that the proposition would be

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an agreeable one. But it has been acted upon; and I should look to such influences as one means at least of extending a knowledge of the language.

717. Are you aware of any instance in history of an European language being introduced into the courts of justice of an oriental nation?—I am not immediately prepared to say what the practice of the Greek and Roman empires was in regard to their oriental provinces; my impression is, that their languages were introduced largely into Asia.

718. Do you think there is any danger in an attempt on the part of Government to introduce the English language into the proceedings of a court of justice, and would it excite apprehensions that it was preparatory to further changes in circumstances that are peculiar to the religion or customs and habits of the native population?—No, I think not.

719. Do you not think that the attempt to alter the form of dress in 1809, was one of the principal causes of the disturbance that took place in the native army?—I believe that had some effect.

720. Would you not consider the settling of capitalists in India, with a view to the extension of commerce, a means of very much facilitating the introduction of English generally?—I think the diffusion of English depends greatly on the number of English settlers.

721. Are you aware whether the Tartar government of China has ever introduced their own language into the judicial proceedings of that empire?—I believe not.

722. Do you not consider that the natives would consider the introduction of English rather as the introduction of the language of one set of conquerors for the language of another?—I do not think that notion would cross their minds. But if the introduction of the English were so effected as to cause any serious inconvenience to the people, or suddenly to throw out of employment any large class, there would, I should imagine, be great discontent; and in all cases of discontent in India, there is danger of its taking a direction towards their religion.

723. Do you think that English can ever be introduced by the interference of Government; and is there any likelihood of there ever being such an intercourse between the English and the natives as to enable them to acquire it familiarly?—I think it may be gradually introduced, and that the interference of Government may essentially promote its introduction. In proportion as Englishmen and their children are abundant, the introduction of the language will be facilitated. I think at the present moment there would probably be no difficulty in introducing the use of English into the suburbs court of Calcutta.

724. Do you contemplate at any period such a number of English residing generally in India as to enable the natives to acquire the English language?—I think that in the province of Bengal Proper the number of persons speaking English may be expected at no distant period to be considerable.

725. Is there at present any considerable number of natives in Calcutta who speak and write the language fluently?—There is a considerable number of persons who write and speak the English language extremely well; and the students of the Vidyalaya have indeed shown an astonishing proficiency in language, writing it, many of them, with purity quite equal to that shown by lads of the

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same age at an English school. The exercises to which I immediately refer, I was assured had been written by them without any assistance, and they were excellent compositions.

726. Of course any introduction of the English language into the courts of justice could only be contingent upon a long and established introduction of the language into the general education of the country?—I think it should be contingent upon its becoming general, or nearly so, among the educated classes; but in so far as the Persian language is used, I conceive that whenever English becomes known to the educated classes in a degree at all equal to that in which that language is now known, it should then be substituted for it. In Bengal Proper, for instance, the Persian being a comparatively foreign language, a much less general extension of English would justify the superseding of Persian in the offices in which it is now used, by English, than in the other provinces where Persian is more generally known. Independently, however, of its general introduction, there are particular situations held by natives, in which it has been suggested that a knowledge of English should be required, being in the first instance made a title of preference. Thus, attached to every court, there is an officer called the Government Pleader, who manages the government suits. Many of the pleaders are now educated at the college in Calcutta; and the young men have expressed themselves decidedly that their study of English must depend on its comparative utility with the study of Arabic, as a means of getting on in life. Now if the government pleaders, who have to communicate with the English officers on all matters relating to the public lawsuits, many of which require a reference to English papers, were appointed on account of their knowledge of English, the arrangement would be a convenient one; and a considerable step would be made in the encouragement of the study, without interfering with the interests of any one. That measure alone would probably have no small effect in extending the knowledge of the English language. In the same way, in the revenue and other departments, Government might, in appointing to particular offices, give a preference to those who knew English, and so gradually introduce into the country a great many natives acquainted with our language. For every office to which the knowledge of English gave an opening, we should have numerous candidates studying the language; and in that way, I think, without anything like compulsion, or an interference at all offensive, the Government might promote it greatly.

727. Have you considered the necessity of the maintenance of the present system of licensing individuals, in order to permit their residence in India?—Yes.

728. What is your opinion of the necessity of such a regulation, and to what extent might it be safely abolished?—As far as Bengal Proper is concerned I see no reason for any restriction. I should extend the observation to the whole of the provinces subject to the Bengal presidency; nor, as far as I know of Madras, am I immediately aware of any necessity for restriction there. I should think that on the Bombay side of India there may in several places be more ground for restriction, the country having been recently acquired, the Mahrattas being a conquered people; whereas in the other parts of India we have generally displaced governments nearly as strange to the people as ourselves; and the leading men of the community in those recent acquisitions have, I apprehend, their position and their notions

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notions much more extensively derived from preceding governments than is the case in the older provinces of Bengal. I think, however, that it would not be advisable to throw open the whole of India, nor indeed any presidency, without leaving some discretion to the local government, to be exercised, of course, subject to revision from home; but as far as Bengal is concerned, I should not apprehend the necessity of any restrictions.

729. As the law now stands is not every British subject, whatever amount of capital he may have embarked in the country, liable to deportation at the arbitrary pleasure of the government of the presidency in which he resides?—He may certainly be removed by an order of the government if he is not licensed, or if he stays after his license is cancelled; but I should scarcely say he is liable to be removed at the arbitrary pleasure of the government: he is indeed liable to be removed whenever in the judgment of the governor his removal is necessary.

730. Is there any other limit to the exercise of that power than the judgment and discretion of the individual invested with it?—No; and his responsibility for the act to the authorities at home, and to his country generally.

731. But would his responsibility in any way diminish the injury to the individual, who having embarked his capital in the country, had been sent home?—Not unless the individual can get damages, which I apprehend can hardly ever be expected.

732. In what way would you propose that that power should be qualified or limited?—The qualification that has suggested itself to me is, that it should be exercised as a legislative act. I mean that the ordinary operation of the law should be against the exercise of any such power, but that the Governor General in council should have authority to pass an act suspending the ordinary operation of the law, and directing the removal of any European, whose presence might be deemed dangerous, and that no European should be deported, unless by legal sentence of a court, without the formality and the discussion which would of course precede the passing of such a law; but I do not think that the power could altogether be taken away from the local government.

733. When you speak of the local government, do you mean the subordinate presidencies as well as the government of Bengal?—My notion is, that the subordinate governments should not legislate without the previous sanction of the Governor General. Probably in some cases the European proposed to be sent home might prefer awaiting the judgment of the home authorities, under restraint: in that case I should think his claim to stay in the country ought to be allowed; it being left to the discretion of the governor to place him under such restraint as would obviate the danger apprehended from his presence, and prevent him from any acts likely to occasion danger. The main thing wanted to prevent the risk of abuse, seems to be to give formality to the act, that it may be deliberately considered, and that the party may have full opportunity of stating all he may desire to have stated as cause why he should not be deported.

734. Do you contemplate the probability of any case of extreme danger arising from the continuance of an individual under such circumstances, that is to say, under restraint, in the country, until his case can have been reported home, and the sanction of the authorities at home to his deportation received?

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—I can scarcely contemplate such a case. The necessity of deportation, without sanction from home, seems chiefly to arise from the difficulty of placing an European under any restraint without great injury to his health: yet the privilege of staying might in some cases be important; and if he chose to remain on the spot, there would, I think, be little chance of his being subjected to anything like cruel treatment; whereas when once he is shipped, the thing is done and cannot be recalled. The great object, as I have said, is to give the Government time to pause, that the act may not be done with passion, and that it may be considered more solemn than if it be a mere ordinary executive order.

735. From the high and confidential situations you held, is it possible that any such acts of deportation could have occurred during your employment without your knowledge?—I should think not; on the deportation of any person of consideration I should certainly have known it.

736. During the time you were secretary to the Government, is it possible any such case could have occurred, whether of persons of consideration or otherwise, without your knowledge?—Instances may have occurred in which destitute Europeans, or persons reported by the police, were sent home, of which I knew nothing. All cases of deportation from state necessity must, I think, have come to my knowledge.

737. The former questions have had reference to deportation from alleged state necessity?—I should imagine I must have known all that so occurred.

738. State to the Committee the actual number of deportations during the time of your connection with the government of Fort William?—I only remember two during 15 years.

739. Are the Committee to understand that the powers of the Governor General, or of the governors in the several presidencies, to deport individuals within their respective governments, is similar to that vested in the Secretary of State by the old Alien Act, with respect to foreigners?—I apprehend very much so.

740. In both instances the exercise of the power being subject to the general responsibility which a public man owes to his country?—I apprehend so.

741. Under the administration of Lord Wellesley, were there not instances of foreign adventurers, not from England, appearing in the Deccan and other parts of India, whom it was necessary, for the safety of the British interests, to remove from that country?—I am not aware of the particulars, but I presume that when the French officers were removed from the armies of native princes, they were generally ordered to proceed to Europe. Some of the French officers who left the Mahratta service indeed settled in Bengal, and the same may have happened at Fort St. George.

742. Do you or not conceive that a greater power must be left to the executive government, considering the nature of the empire in India, than would be fairly claimed or exercised by the English Government at home?—Certainly a much greater power.

743. Do you think it necessary that the Government in India should have a more summary power of removing natives of other European nations than it should have to remove British subjects?—I should object to the summary exercise of any such power. But it would be sufficient, I think, to require a solemn legislative act in the

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the case of British subjects; and, as far as treaties allow it, the power of removing foreigners should be absolute.

744. Do you apprehend that, considering the large expense of the voyage to India, and the total impossibility of the mere peasant maintaining himself by agricultural labour in India, it is at all probable that the consequence of the relaxation of the licensing system would lead to a vast influx of needy adventurers into India?—I should think not. My own impression is, the number of English settlers would never be equal to that which it is desirable to have; and I see no risk of public inconvenience from the resort of needy adventurers, although there might be some individual misery to themselves.

745. Have you any doubt that the resort of Europeans, under any relaxation of the present system, would be confined to persons engaged in commercial or manufacturing enterprise, or to scientific men?—I should think the relaxation would chiefly lead to the introduction of men of capital, or character that would enable them to command capital.

746. Is it not the nature of such a power as now exists, over the persons and properties of individuals, to discourage the settlement of commercial or manufacturing capital in that country?—I think it must have some effect, especially on public opinion in England. As far as the merchants settled in India are concerned, I believe their experience of the principles of the government has rendered them very little apprehensive of the misuse of the existing power; and that in so far as the introduction of English capital or intelligence depended on them, the effect is much less than upon persons who in this country might speculate on their making new establishments in India.

747. Do you conceive that there exists in our Eastern possessions a great field for mercantile enterprise?—I think there is a great opening for improvement in the commerce of the country.

748. With a view to avail ourselves of it, should you not consider it of importance to give every possible encouragement to the introduction of English capital?—I think it very important to encourage the introduction of English capital and intelligence; especially because the educated classes of natives seem as yet to have little or no turn towards agricultural or commercial pursuits.

749. Are you aware what has been the chief obstacle to the establishment of Europeans in the provinces?—I believe the difficulty of administering justice is considered to present the chief obstacle.

750. Will you state to the Committee how Europeans and natives are circumstanced in regard to each other in that respect?—Within the jurisdiction of the Supreme Court there is no distinction, excepting so far as their peculiar law of inheritance, and other special laws and customs, are secured to the natives, and as the acts regarding juries operate. In the interior the criminal courts can only try a British-born subject for an assault: any felony, however inconsiderable, renders it necessary, if he is not a military man, that he should be sent to the presidency. In the civil department, suits may be brought against him in the local court, but an appeal lies to the Supreme Court in any case that would be appealable by a native to the Company's chief court. It is doubtful whether one British-born subject can sue another in the country courts. Europeans are not allowed to hold land at all in

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in the interior, without the express permission of Government; and holding such land without permission, they cannot recover against any person who disturbs their possession or withholds their rents. For almost all the lands, therefore, held by them, (and many do hold considerable tracts of land in the names of their native servants), they are necessarily very much in the power of those persons; the Government having hitherto only granted permission to Europeans to take leases under certain conditions, which seem as yet to have practically operated to prevent them from taking advantage of the resolution, which was passed with a view of opening facilities to their occupation of land.

751. Then the natives, in the event of sustaining injury from English settlers in the provinces, have, except in the very limited case you mentioned, no other redress than by going to the Supreme Court of the presidency?—All cases only cognizant by the Supreme Court must go there; but the jurisdiction of the local courts is considerable.

752. Would it, in your opinion, be practicable to render the European settlers amenable to the provincial criminal court?—I think that Europeans should be placed on a footing with natives when they live in the interior, and be subject to the law of the interior in all respects like a native.

753. How would you adapt that system to the altered state of things that would arise from a man being allowed to settle in the interior?—It does not strike me that any change would be necessary, beyond what is necessary to the good administration of justice. The Europeans, I think, would be few, and I do not apprehend any difficulty from their cases being tried by the native judges, if of a kind that would be ordinarily cognizable by them. All very serious cases, where natives were concerned, I should, for the present at least, reserve to the European judges, using the natives as their assistants and assessors.

754. What code of criminal law is administered in the provincial courts?—It rests chiefly on the regulations of the British Government, with little or no remains of the old Mussulman code of the country. I hardly remember any instance of a crime of which the punishment has not been regulated by the English code. We have at least got rid of everything that was considered objectionable in the Mussulman law, as far as punishment of crime is concerned, and all unreasonable technicalities regarding evidence have been set aside. I am not, therefore, aware of any thing to bar the application to all classes of the criminal law administered in the provincial courts: and an opinion has been stated by the judges of the Supreme Court, that a code equally applicable to Calcutta and the provinces might be very easily formed. A good deal of misapprehension has arisen from its being fancied that our courts in the interior administered a barbarous code; whereas, looking at the crimes and punishments, my impression is that our law will on examination be found to be a milder one than that of England, and at least as reasonable a one.

755. What classes of persons do these native judges consist of?—The head native judges are Moslems or Hindoos; they are generally, the former especially, men of education, as far as their own learning extends. In the criminal department the Mussulman officer is alone employed; he gives a verdict in criminal cases tried

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tried by the court of circuit, as an assessor to the judge; and I think that in general the verdicts I have seen were well drawn up and showed abundant intellect.

756. Are you not aware that the case of the indigo planters has often been adduced as a proof that the ownership of land on the part of Englishmen in India must produce effects very detrimental to the English character in that country?—I believe that opinion has been held by many. I should observe, that never having been in charge of a district myself, I can only speak from the authority of others; but I have communicated on the subject with a great number of public officers, and also with many individuals not in the service: the general result of my inquiry is, that the disorders of a few have been allowed a great deal too much weight in estimating the general character of the class; and on the general question, I should say that the balance of good is exceedingly great. I consider the evils in the lower parts of Bengal, with which I am best acquainted, to have arisen in a considerable degree out of the restrictions upon the settlement of Europeans in India. If the persons who own or support the indigo factories had been allowed to send home for any persons whom they thought likely to be good managers, their concerns would have been in the hands of a class very superior to many who from necessity they have been compelled to employ; for factories are, I believe, often in the hands of persons not qualified for so great a trust. I apprehend also that great mischief has arisen out of the difficulty of occupying land, by which Europeans have been compelled to hold land, which they do very extensively, in the name of native agents. I have understood from gentlemen, indigo planters themselves, that they were compelled frequently to wink at abuse on the part of the natives whom they employed, chiefly because the land being in their name, they had the means, if not of ruining them, at least of putting them to great loss and inconvenience. Another effect of the prevention of Europeans holding land avowedly, is, that when disputes arise in the courts, it is much more difficult to get at the real truth, and therefore there is a great opening to litigation. I think it probable, if Europeans had the power of holding land, that the tenures necessary for the conduct of their indigo business would have been fully ascertained, and there would rarely have arisen the question, now often disputed, whether a particular planter be entitled to the produce of a particular tract of land or not. Under the present system it constantly happens that the courts are called on the spur of the moment to decide disputes involved in doubt; and as their decision can hardly be quick enough to save the season, the indigo planters are often compelled, in their self defence, to use force to secure their rights. I think the prevailing opinion of the public officers in Bengal, to whose opinion I should attach most weight, was, that the indigo trade had very greatly added to the wealth of the districts in which it was established, and benefited the native inhabitants, and that the outrages complained of were rather exceptions to the general rule.

757. Does there exist any general jealousy on the part of the natives of Europeans occupying land in India?—I am not aware of any such jealousy; but I have no doubt that particular classes may object to it, and be unwilling to have Europeans settled in their neighbourhood. I should think a considerable number of Bengal zemindars would object, for many oppress their tenants exceedingly.

758. Should

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758. Should you suppose the higher classes throughout India would generally be averse to it?—I think not, supposing the Europeans respectable.

759. Does it come within your knowledge that the zemindars have shown a great anxiety to induce Europeans to extend their occupation of land?—I have heard it so stated, but I do not know the fact.

760. Should you not consider it advantageous to the zemindars for Europeans to settle, as it would increase the value of land?—It would be for their advantage, but a good deal would depend on the extent to which they may really be the owners of the lands contained in their zemindaries: many of the great zemindars are not, I think, and do not yet securely consider themselves as entitled to enhance at pleasure the rents of their tenantry; and they are, I believe, generally guilty of considerable exactions. This state of things must probably make them averse to anything that is likely to increase the influx of Europeans; and in general the natives look more to immediate objects than to distant advantages.

761. Would it not have the effect of increasing the value of land immediately?—I should think very soon, certainly.

Martis, 6° die Martii, 1832.

Sir JAMES MACDONALD, Bart. in the Chair.

HOLT MACKENZIE, Esq., called in and further examined.

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762. REFERRING to some questions on your last examination respecting patronage, you stated that you considered it desirable to introduce the principle of selecting by competition?—Yes.

763. Do you think that the progress a young man makes in education in England is any criterion for the qualities required for a civil servant in India?—Yes, I think so certainly, taking education in a liberal sense.

764. Do not you think that a selection at a later period of life would be preferable?—I think civilians had better be 22 years of age before they go out to India.

765. What objection do you see to the whole of the service being originally military, and selections afterwards made for the civil and military officers?—I have always thought that would be an improvement upon the present system; but I do not think it would be the best system that could be adopted.

766. Have not some of the most distinguished of the Company's civil functionaries been military officers?—Certainly, the military branch of the service has furnished some of the best men.

767. Have any provinces been better managed than the Ceded Districts, which have been temporarily under a military man, Sir Thomas Munro?—I do not remember any administrator in India so good as Sir Thomas Munro.

768. Does

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768. Does not the situation of the European officer in charge of a province correspond with the Amil under the Mahomedan government?—It pretty nearly resembles it, I believe, in places where there is no separation of departments. But the Amils had generally, I imagine, a personal interest in the revenue, which the British officers have not, and the power of the latter is much less arbitrary; nor have they generally any military duty beyond what a civilian is capable of discharging.

769. Do not you think that it would be an improvement that the government should be of a mixed civil and military character?—Not as a permanent plan. In the ordinary administration of the country, I think the civil authority should be separate and predominant. Sir Thomas Munro was, I imagine, very little of a military man when he held the appointment referred to.

770. Do not you think that with every improvement we can introduce into India, the tenure of India must be in a great measure the tenure of the sword?—In a great part of India, and for a long time, such must, I think, be the condition of our tenure. In Bengal Proper the case seems to be different; there, I believe, the feeling to be, that we protect, rather than control by the sword. The people do not think of resistance, and have no conception that they could protect themselves from invasion by others if we were away: they are essentially unmilitary. In the Western Provinces, the submission of the people appears to me to rest mainly on the dread of our military power; and our civil officers are obeyed, because they have the bayonet to back them. We protect the people indeed better probably than any preceding government, and they can hardly, especially the lower classes, be insensible of the circumstance. But still I conceive that in the general sentiment, certainly among the most influential classes, the restraints we impose are regarded, rather than the protection we afford; those who are used to arms may naturally fancy that they could protect themselves; and on the whole, from Benares upwards, I should say that essentially we hold the country by the sword. I am not aware how far that distinction I have mentioned in regard to the Bengal side of India would apply to Madras and Bombay. I should suppose the tenure by the sword must be the prevalent tenure.

771. In the probable course of the Company's government are not those provinces in which the tenure is what you admit it to be, that of the sword, very likely to continue such as to require military talent on the part of those servants of the Company filling the most important situations probably for the next 50 years?—I think, that, generally speaking, we must look to our holding India, for a long time to come, very much by the sword; but I should not therefore conclude that military talent is what is wanted in the governors of the country. To establish a good civil administration appears to be their primary object, and if that be successfully accomplished, it may be hoped that gradually the power of the sword will become less and less necessary.

772. In answer to the third question proposed to-day, you state that you think 22 would be a better age than that now by law provided for the admission of young men into the service of the East-India Company as writers; in making that statement had you reference to the physical character of the service as well as to the moral

moral capabilities and qualities of the young men admitted into it?—Yes, as far as I can judge of the former; on the score of the latter I have no doubt.

773. Do you conceive that the age of 22 is more or less adapted to bear the change of climate than the age at which now by law the young men are admissible, and, in point of fact, are generally admitted?—I am not aware of any reason for decidedly preferring the one to the other; but I should rather think the more advanced age the best, the constitution being more confirmed.

774. The latter part of your examination this day has had reference to the expediency or inexpediency of selecting the civil servants of the East-India Company from its military establishment; in what mode would you in the first instance provide for the admission into the military service of a young man qualified to discharge civil duties?—I believe I have already mentioned that I only considered the suggested plan as an improvement on the present system, not as the best system which could be adopted. One objection that occurred to me was, that you could scarcely require the same general test for the united as for the separate civil service. But even on the plan of nominating to the general service, civil and military, you might, I think, require a test equal to that now required for the civil service; the appointments would still be sufficiently good to justify even a higher acquirement. Then for the qualifications necessary in the more important stations of the civil service, you would have the opportunity of selection from a large instead of from a very limited body.

775. If you required the same qualifications for the admission of young men into the military service of the East-India Company which are now required for their admission into the civil service, what advantage do you conceive would exist by such alteration which would compensate for any possible disadvantages arising from change in the system?—If you got the same average of qualification in a body containing several thousands, and had to select only a few hundreds of them, the qualifications of the persons so selected by competition in India would doubtless be higher than those obtained by the present system; supposing of course a fair exercise of the patronage of the local government.

776. In addition to the acquirement of science termed military, and sciences connected with the military profession, would not the young men so transferred from the army to the civil establishments of the Company have to acquire there the same knowledge of the languages, of the revenue and judicial system of the country, which in the present day must be found in the young men introduced into the civil service?—I am not aware of any military science being required from the young men now sent out for the army, excepting the engineers and the artillery, which form a special and very limited service. These might or might not fall within the general plan, but they would not materially affect the scheme.

777. At what age is a young man ordinarily appointed to the office of assistant in the judicial department?—I suppose now generally at the age of 18.

778. It appears from the first part of your evidence, that you would contemplate a considerable reduction in India of those offices to which young Europeans are now in the first instance appointed, by the substitution of native agency; is not that one of the grounds on which you would conceive that for the time to come young men sent out from this country should be sent out at a more advanced age than they at

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present are, inasmuch as higher situations only would then be opened to them?—Any change of that kind will render it essentially more important to have men of more advanced age and superior qualifications. But I think, that even although the existing plan be otherwise maintained, it is very desirable that measures should be taken to fix a later age of appointment.

779. Do you know whether there existed under the Mogul government large quantities of land in Bengal called Charity-lands, lands liberated from tribute as being appropriated to charitable purposes?—Yes, there is a vast quantity of land in Bengal given, some for charitable purposes, but generally for the maintenance of individual brahmins and others.

780. Do you know what has become of these lands under the British administration in Bengal?—I believe the greatest part have continued in the possession of the parties.

781. You do not know whether any considerable quantity of those lands, under the title of assumed or fallen in, have been in fact confiscated by the British Government?—Several life tenures have lapsed: but I believe they have formed but a small proportion of the free lands held in Bengal. These are chiefly held in small tenures; and under the permanent settlement of that province, unless the extent exceeded 100 begahs, or about 32 acres, the Government did not interfere. The rent belonged to the zemindar, even if the title was invalid; but of his claims the Government took no cognizance. Of the larger tenures several have been resumed, by the officers of government, as not having been alienated by competent authority, but they did not generally fall under the description of charity-lands. Others have been assessed as having been assigned as remuneration of service, or under other conditions. The general principle of the British Government has been to continue all that were valid, life tenures, lapsing on the death of the parties; and to recognize long possession as constituting a good title.

782. You are not aware what was the amount of charity-lands delivered in in the account of zemindars which appears in the Bengal Consultations of 1767?—No, I am not.

783. You cannot say how far the lands appropriated to those purposes have or not been respected?—No, I cannot with any precision; I believe that comparatively few have been resumed, and none were intended to be resumed, of which the title was valid. Every district is yet full of those lands.

784. Are they distinguished in any particular way?—The designation varies according to the purposes to which they are appropriated, and the other conditions of the grant.

785. Under the present constitution of the Company's executive government in India, and the King's Courts in India, is there not, in your opinion, danger to be apprehended of collision between those two authorities?—Yes, I think so.

786. Will you state how that danger, in your opinion, arises?—It appears to me to arise chiefly from the existence of two independent authorities in the same country, removed by half the globe from the authority that can alone settle their disputes, when they differ. The jurisdiction of the King's Courts is defined by laws which are drawn up generally by persons very little acquainted with the facts to which those laws are to apply; and from the imperfection of language, all legislative

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tive acts that embrace a wide scope of enactment must involve a number of doubts, however well informed the Legislature may be. Hence have arisen several questions relative to the extent of the jurisdiction belonging to the King's Courts; and as such questions may involve matter of political consequence whenever the King's Courts extend their jurisdiction beyond that which the local government thinks the law warrants, there must necessarily be a risk of collision, more or less important according to the points under discussion. I think experience has shown that the claims of the King's Court may extend to a jurisdiction exceedingly important, and such as, if enforced, would essentially affect the political government of the country.

787. In what manner, and on what occasion, have any symptoms of such collision already happened?—The occasion which immediately occurs to me is that which happened about three years ago at Bombay, as the most remarkable one since the dissensions in Bengal, which gave occasion to the Act of 1781.

788. What was the nature of that?—The chief question was, whether in certain cases writs of *habeas corpus* could issue from the King's Court to natives generally residing in the provinces, or whether the authority of that court, in reference to natives, was limited to the ordinary sphere of its jurisdiction. The Supreme Court of Calcutta also claims authority over many natives residing in the interior, on the plea of constructive inhabitancy; and it at the same time claims an extensive jurisdiction over landed property, holding that the immovable estates of all persons who are personally subject to them are also subject to their jurisdiction. They have directed their receiver to manage the collections of very considerable estates in the interior; and where that is done, that would seem to render the whole of the tenantry liable to the process of the court. Further, it would seem that in a suit for debt the person of a native, in whatever part of the presidency, may be attached, on affidavit being made that he is subject to the jurisdiction of the court; and on one occasion, a few years ago, a *capias* was issued against a native of great rank, living at Furruckabad, where he was arrested by the sheriff's officer; and although ready to satisfy the claim, and to give security to any amount, he would have been carried down to Calcutta if the local magistrate had not relieved him, by what was considered an illegal exercise of power.

789. What court was this?—The Supreme Court of Calcutta; and I beg to observe, that the Committee will find this subject very fully discussed in the Minutes of the Bengal government, and of the judges of the Supreme Court, relative to the establishment of legislative councils and the reform of the law, which have been published as Appendix V. to the Report of October 1831.

790. Referring to that case, and also to the proceedings of the Supreme Court of Madras in the case of Kuleemoollah Khan, does there, in your opinion, appear to be any real limit to the assumed jurisdiction of these courts?—I think there are many cases which might be stated to be beyond any pretension I have ever heard urged; but I am not able to say to how many cases the jurisdiction might be extended; more especially, there seems to be danger of a gradually extended application of the power of bringing natives from the most distant parts of the country to plead to the jurisdiction; for if it be generally known to the hangers-on of the court that by hard swearing they may compel a person to come 1,000 miles to a place which he

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he detests, and to a climate which may be fatal to him, to plead to jurisdiction, I should fear the frequent repetition of cases similar to that which I have mentioned.

791. If the court has thought fit to exercise its special jurisdiction to the extent of seizing a native under the circumstances you have described, 500 miles distant from what was supposed to have been the limit of its jurisdiction, what real limit is there to the indefinite extension of such a power?—There appears to be no local limit, except that of the Company's government.

792. What steps were taken in either of the cases to which you have alluded, either the case of arrest at Furruckabad, or the case of the controversy between the authorities at Bombay?—I am not aware of anything having been done to amend the practice pursued in the Furruckabad case; in the other case the matter was referred home, and a decision passed against the judges of Bombay, which I suppose set at rest the individual pretension; but I am not certain that analogous cases may not occur, and others resting on some new point not less important.

793. That decision determined that the writs of the Supreme Court do not run beyond the local limits of the presidency?—I do not think that decision touched the case of a native who may be stated, on oath, to have commercial dealings in Calcutta, nor in any way limited the jurisdiction which has been extended to natives who have what the courts call a constructive residence; a Benares banker, for instance, having an establishment in business in Calcutta.

794. Was any legislative proceeding adopted in consequence of those transactions?—I am not aware of any.

795. Without entering into the discussion whether any native might be brought down 500 miles to Calcutta, does any such case occur to your knowledge?—I have mentioned the case which occurred at Furruckabad, a distance of about 800 miles.

796. Did you not state that the Supreme Court considered the magistrate as having acted illegally in setting the person at liberty?—Yes.

797. Was there any proceeding in consequence?—Yes, there was a prosecution in the Supreme Court, the particulars of which I forget; but it was held to be an established point that the magistrate had no power of bailing the person who was arrested, and that his exercise of authority was quite illegal.

798. The writ of the Supreme Court was recognised?—Yes.

799. Can you state to the Committee any instances during the last 70 years, from which time the jurisdictions of the King's Courts in India will date, in which collision has taken place between the Supreme Court and the local government?—The disputes which occurred on the first establishment of the Supreme Court at Calcutta, are doubtless fully in the recollection of the Committee. These were settled by Act of Parliament, and since that time there have been no disputes leading to serious consequences in Bengal.

800. That occurred about 64 years ago, did it not?—It is more than 50 years ago.

801. Therefore during that period there has not been any collision leading to any serious consequence?—None, but the Supreme Courts have been gradually extending their jurisdiction, and the opinion of the Bengal government is that the extent to which it is now carried is likely to be very seriously inconvenient, though the

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the inconvenience is not such as to justify them in resisting it, and therefore they have referred the matter home.

802. In the case you have supposed of the native banker at Benares having his residence at Benares, but an establishment in Calcutta, how, except by rendering him subject to the process of the Supreme Court, would you provide for the due execution of justice in respect to those who might deal with him in Calcutta at his establishment there?—If there were one system of courts for the whole of the presidency, the writs of the Supreme Court, supposing it to retain original jurisdiction, would, I suppose, be issued through the local courts, and security taken, when necessary, by them. Even on the present plan of separate establishments of King's and country courts, the same process might be observed as between England and Scotland, or England and Ireland.

803. In what way would the situation of the native be more or less improved under the case supposed, compared to what it is at this moment?—It must be greatly improved by any arrangement that diminishes his liability to be brought down under arrest to a distant province. For an up-country man to be carried forcibly to Bengal I should regard as one of the severest punishments that could be inflicted.

804. Suppose a man has an establishment in Calcutta, and another in Agra, and that he has defrauded a man in Calcutta, how would you provide for the trial by any other means than those which exist now?—The creditor may sue him in the local court of the district in which he resides. All property within the limits of Calcutta remains liable to the jurisdiction of the Supreme Court, and all the agents employed there are also subject to it. The objection, I may remark, does not apply to the case of persons who have themselves transacted business in Calcutta; but there are establishments there belonging to or connected with bankers who live in the most remote parts of India, some in foreign states.

805. Is it not necessary, to give validity to all regulations or laws passed by the local government, that they should be registered in the Supreme Court at the presidency?—Registry has not been considered necessary, in regard to the general regulations passed for the guidance of the provincial courts, under the authority given by an Act of the 21st of Geo. 3. The only regulations which are registered, are what are called rules and ordinances for the good order and government of the settlement of Fort William, &c., passed under the Act of the 13th of that King.

806. In the event of the Governor and Council at Bengal thinking it necessary to pass a new law, do you mean that such law would have force without being registered in the King's courts?—Such a law has full force on the Courts of judicature beyond the Mahratta Ditch, without registry, and I do not apprehend that the judges of those courts are entitled to take any exception to the authority of the Government in passing such laws; though there may be a doubt as to enactments going beyond the limits prescribed by Act of Parliament; as, for instance, in the case of new or additional duties imposed without the previous sanction of the Court of Directors and the Board of Control, such sanction being specifically required by the Act of the 53 Geo. 3. The only laws registered are those which apply to the country immediately within the jurisdiction of the Supreme Court, which, inland from the river, was formerly bounded by what was called the Mahratta

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ratta Ditch, a ditch intended to protect the settlement from the incursions of the Mahrattas, the line of which, though now filled up, is still observed.

807. How is this at the minor presidencies?—The same law applies, I apprehend. But at Madras the immediate jurisdiction of the King's Court extends to a greater extent of country, and at Bombay to the Island.

808. How are the duties of customs levied at Calcutta, and under what law?—The duties of customs are levied under the general regulations, and it was a question at one time whether the collections were legal that are made within the jurisdiction of the Supreme Court. But that point was settled by an Act of Parliament passed in the 54th of Geo. 3, which recognised the power of the Government to impose such duties by regulations similar to those enacted for the provincial courts. On the other hand, the stamp law, in its application to Calcutta, was required to be registered, and it must be acknowledged that the matter is not yet free from doubt, and requires to be considered. The very circumstance that the custom laws have not been registered, and that the stamp law was held to require registry, appears to show that the system is not well settled.

809. The power of making laws existing in the legislative council, subject to the exception you have stated, comprised in the Act of Parliament, is absolute, is it not?—Yes, I do not know of any other restriction.

810. Of whom does the legislature at present consist?—In Bengal the legislative authority rests with the Governor General and the Council, consisting of three members, appointed by the Court of Directors.

811. In that council the power of the Governor General predominates over the rest of the council in the event of a difference of opinion, does it not?—I apprehend he has not the power of passing any regulation by his single voice, but he has a casting voice. The Act which gives to the Governor General and Governors authority to act without concurrence of their council, excepts from the operation of such independent power, legislation and matters judicially before them.

812. Is unanimity in the council necessary to the passing a regulation?—No, a majority is sufficient; and it may be right I should remark, that the Commander-in-Chief is often absent.

813. Does it appear to you, that a body so constituted is adequate to the great charge with which it is entrusted as a legislative body?—I think it is desirable that a larger number of persons should be consulted before laws are passed. But I should state, many of the laws passed by the government are proposed by subordinate officers; the judges of courts, and the members of the different boards, having authority to propose laws. Most of the judicial laws do, in fact, come from the Sudder Court; and revenue laws have frequently been suggested by the Revenue Board. In such cases the Governor General and Council may be considered to exercise little beyond a veto upon what is proposed, though it is quite open to the government to reject in part or in the whole, their power being absolute.

814. Is anything known of those laws; do they undergo any great public discussion till they are promulgated?—Frequently the drafts of proposed laws are communicated to the public officers, and pretty fully discussed. In other cases they are passed without any discussion, except among the members of government.

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815. Do any means occur to you by which greater efficiency and extent might be given to the legislative councils in India?—I think it would be an improvement if for the purposes of legislation some of the chief officers of government, and also respectable gentlemen not in the service, including possibly some natives, were appointed councillors by the Governor General, and authorized, as such, to discuss the subject of all laws intended to be passed, so that ordinarily no law should be enacted without the consent of a considerably larger body than now legislates; but in that case I should consider it necessary for the Governor General to have the same power of passing laws upon his own responsibility, in so far as might be necessary for the safety of the state, as he now has in matters of executive administration.

816. You think it might be possible to find means of giving the natives some share in making the laws which are to govern the country?—Yes, I think it might; but I should, for the present at least, leave their appointment entirely to the discretion of the Governor General.

817. Have you any doubt that there are natives at the presidencies who, from education, knowledge, talent and general character, are competent to such a task?—I have no doubt that many natives are to be found whose opinions would be exceedingly valuable upon regulations proposed for the civil administration of the country, and who would feel it a great honour to be considered as advisers of government, without the privilege being given to them as a matter of right, or at all removed from the discretion of the Governor General. I do not confine the proposition to the presidency. In other parts also respectable natives might be advantageously consulted, though I do not think that any where they can properly be vested with political rights by a fixed law, independent of the discretion of the government. And it would also be beneficial to give a share in the legislative authority to the chief officers of government stationed in the provinces. It is to be regretted, I think, that the function of legislation has been confined to the same persons as have the executive power; for though it be impossible to carry on the executive government of a country if shared by a multitude of persons, yet laws should not ordinarily be enacted without the concurrence of many councillors.

818. Should you propose that the councillors should be all nominated by the authorities at home, or that any portion of them should be nominated by the Governor in Council in India, or is there any other mode in which you conceive their appointment could beneficially be made?—I think in general their nomination should be confined to the government abroad, the home Government exercising the same kind of control in that as in other matters; but it should not interfere frequently in any matter of detail, and it should seldom set its judgment of the individuals appointed, or claiming to be appointed, against that of the Governor General, unless where there might be reason to suspect a wrong bias or improper motives.

819. In the event of a special legislative power being conferred on the Governor General, in order to guard against pressing dangers, should you not think it desirable that that power should be limited by the sanction of something in the nature of a privy council, including probably the Chief Justice and the Bishop for the time being?—No. I think the responsibility for the safety of India must always rest on the Governor General alone, and that the power should be absolute in his hands so long as we govern India on the present system.

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820. Would it be desirable that the laws passed by the legislative council should not be carried into effect until they have received the sanction of the home Government, except in cases in which they should certify that the public interest would suffer from such delay?—In cases where the public interest would not at all suffer by the delay, there would be advantage certainly in referring the matter home; but in general it is desirable that laws which are required at all, should be enforced at an earlier period than can well consist with a reference home, and a full consideration of the matter there. Therefore the rule had better, I think, be that they should be enforced when passed, trusting to the prudence of the local government not to pass laws which may be delayed without inconvenience, until they have ascertained that the views of the home authorities agreed with theirs.

821. Would the establishment of a supreme authority in India, in which should be vested the power of executive, judicial and legislative functions, afford, in your opinion, an adequate remedy for the evils arising out of the present system of government and judicature, as referred to in an earlier part of your examination?—Yes, I should think it would; supposing, of course, that the laws passed by it are to have the same force over the King's Courts as they have over the Company's Courts, both being considered as equally national tribunals.

822. Of what materials should such an authority, in your opinion, be composed?—For the executive government, I think that there should be one Governor General with a Council for the whole of India; and that the ordinary details of administration should be conducted by lieutenant-governors for the several great divisions of the country, with secretaries acting as councillors. The legislative council should, I think, consist of the Governor General and his Council, the judges of the Supreme Court, the lieutenant-governors and their secretaries; the chief public functionaries, judicial and revenue, with some military officers, and gentlemen out of the service, including natives, to be appointed by the Governor General. For local laws, local chambers might be constituted; but the legislative authority should be kept quite distinct from the executive, though the members of the several executive governments may form a part of the legislative council; and it would be necessary in regard to the former, as is the case with much business now transacted in India, to admit of discussion by correspondence.

823. Should all those persons have votes, or merely give advice?—I think they should all have votes, reserving a *veto* to the Governor General, and further giving him the power of passing laws which he might deem necessary to the safety of the state.

824. By what mode are the general laws to be discussed by a council so dispersed?—Those who could assemble would be summoned to meet at such place as the Governor General and his Council might appoint. In the assembly so held the proposed laws would undergo an oral discussion. Absent members should be allowed and required to give their opinions in writing; and the advantage of associating in the council some persons in the more distant provinces, whose opinions are not now sufficiently consulted, would, I think, outweigh any inconvenience likely to result from the councillors being dispersed.

825. Would not the same end be answered by getting the opinion of those, and then vesting the discretion in a smaller body?—No; I think that the exercise of

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a vote would give them a weight and a sense of responsibility which would be very salutary.

826. Might not the leading members of the government be defeated in any project of their own by a majority of the council thus created?—I should not apprehend injurious consequences from that cause. Suppose the appointment of councillors to be vested in the Governor General, and that he shall have the power of passing laws which are necessary for the safety of the state, and the risk of occasional opposition, on insufficient grounds, would not, I think, be a great evil.

827. You state it to be highly desirable that laws should be made by a legislative council; have the goodness to state whether such desirableness arises from any disregard of the interests of the people subject to British rule generally, or from any special instances, to which you would call the attention of the Committee, as occurring of late years, and requiring this change?—Several laws appear to me to have been passed without sufficient consideration, and especially without a clear view of the practical operation of their details.

828. In what departments?—Both in the judicial and revenue departments the laws seem to me to have been too easily passed.

829. The Committee have understood from your former answer that the judges, both of the presidency and in the districts, and the other high officers of the Company's service, are in the habit of conveying suggestions to the supreme government, or to the local government of their presidency, in respect of the alterations which they may suggest as fit to be made the subject of regulations?—Yes.

830. Does not such license so given by the respective governments to their servants, enable such respective governments to profit by all the experience of their servants as much as if drafts of the laws were submitted by the supreme legislative council to those who might be called their subsidiary members in distant provinces, personal conference being in both cases equally impossible?—There have been several laws passed without any reference to the local authorities; and in those cases they have had no opportunity of discussion; and when they propose laws, or are referred to, I think that they discuss with a sense of inferiority which it would be desirable to remove.

831. Would that sense of inferiority be much diminished if the same parties still communicated in the same manner, namely, on paper, with the supreme government, knowing that the same power would still exist in the Governor General to render their regulations nugatory?—I conceive that the circumstances and feelings of the parties would be essentially altered, if no law, excepting on very special exigencies, could pass without their votes being taken and weighed.

832. The question assumed a reference to those called councillors, but that the parties resided at a distance from the supreme legislative council?—At present there is no obligation of making such reference, and a reference frequently is not made; and though they have the power of suggesting laws, those laws may be rejected without discussion; they have, therefore, no negative upon what the government propose to do, and no means of giving force to their suggestions, if disallowed by government.

833. Are any regulations passed by any of the presidencies that are not transmitted annually to England?—No, they are all transmitted annually to England.

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834. What number of regulations will each government have passed during the three last years?—I suppose that on an average about 20 or 30 regulations have been passed in Bengal.

835. If such a legislative council were formed, might it not be sufficient that it should be assembled for a time only to form a code, and then be assembled at intervals, leaving the authority of the government to pass such Acts as it saw expedient in the interval?—It strikes me, that no code can anticipate the wants of a people under the best established government, still less under a government like that of British India, the circumstances of which are changing perpetually. Doubtless it would be useful if, at the end of some fixed term of years, the existing laws were systematically revised, consolidated and simplified, and so a retrospective code periodically formed. But I do not think that any code could prospectively supersede the necessity of frequent legislation, or the expediency of having a well constituted legislative body always in existence.

836. Would not such a retrospective code be valuable, leaving to the government to form laws in the interval?—My chief objection to the present system is, the little deliberation with which laws may be passed under it.

837. You are of opinion that no law should be passed without a great deal of discussion?—Yes, such discussion as the circumstances of the country permit; and certainly, in my judgment, the object is not sufficiently provided for at present. The council may be said to consist of three persons, for the Commander-in-Chief is very frequently absent, and takes little share in civil business; and their thoughts being of course very much engaged with the affairs of the executive government, if I might speak particularly of laws drafted by myself, I must acknowledge my conviction that they were adopted by the government too readily.

838. What proportion of the regulations have been repealed or modified on subsequent experience of their defects?—I cannot speak to the precise proportion; but a large part, I think, of the eight or nine volumes of the Bengal Code consists of regulations repealing, altering or consolidating others.

839. Should you not think it might be advantageous, that while laws are under discussion, before they are adopted, they should be made matter of discussion by the press of the country?—I think some advantage would result from their being so discussed.

840. In a country circumstanced as our Indian empire is, where the laws to be made are to affect so many millions of persons so widely scattered, and where there has existed no adequate check, in the shape of public opinion, upon the passing of such laws, do you not conceive it must be desirable, for the interests of that community, that the power of making laws should be fenced round by every possible security, and every means exerted to introduce to the discussion of them the best abilities which the country affords?—I think the present constitution does not require a sufficient number of persons to join in the making of the laws, and thereby does not secure a sufficient representation of the views of all parties whose interests are affected, nor that full information as to details which is necessary to an efficient legislation. It is this, rather than the want of abilities, I should complain of. Indeed, supposing all parties fully heard, and all necessary information collected, which cannot however be if we shut out discussion, it might perhaps be expected

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that, in so far as concerns the mere exercise of legislative talent, the best laws would be excogitated by a single individual in his closet, rather than by a number of legislators.

841. Do you not think that a discussion of those laws by natives, through the means of the public press, and introducing them into a share of political discussion, may in the event be dangerous?—Confining my observation to Bengal, it does not appear to me that there would be any serious danger in such discussion.

842. It is giving them a right to exercise judgment in matters of legislation; and as a step to the exercise of political power; would it not, in the present state of the Indian possessions, be a dangerous step?—I think not, as far as my experience of Bengal goes.

843. Do you conceive that our empire in India is an empire of opinion or of force?—It is a mixture of both, I conceive.

844. Do you conceive the influence of the British name has existed chiefly by the idea of the union which has been thought to prevail among the authorities of India?—I think that it stands chiefly on the persuasion of our national power, and of military strength and military discipline, with considerable support among many in Bengal from the feeling of protection and security. And I do not conceive that disputes among the civil officers have much tendency to affect this, so long as the military remain united and under good discipline.

845. You do not consider that the collision between the King's Court of Bombay and the local Government of Bombay has had any injurious effect in weakening the confidence of the native in the honour and integrity of our government?—I should think not much. The bad effect I should have apprehended was that likely to flow from the dread of an alarming, mysterious and unpopular process; but I do not think that the mere dispute of the Governor and the Court is likely to have had any great effect.

846. Do you consider that the discussion throughout all India of measures intended to be adopted by the supreme government, henceforth to be constituted as a council, will or will not contribute to the stability of the English government in the minds of the people?—I think it will contribute to the stability of the government, if it results in securing better laws.

847. What evils can you state to the Committee as having actually arisen from the present system, from the absence of that freedom of discussion which some of the preceding questions have supposed to be in the possible contemplation of the Legislature?—To give one grand instance, I consider that from the extension in 1803, and subsequent years, of the Bengal Code, with very partial exceptions, to the whole of the Ceded and Conquered Provinces, an inconvenience of the most serious amount has resulted, the laws being found to be very inapplicable to the state of things existing in those provinces.

848. Are you aware that at this moment the King in Council has the power of repealing, altering or amending any regulations that the local governments may pass?—Yes, I am aware of that; but I am not aware of any instances in which the power has been exercised, so far as their general regulations are concerned.

849. If, in the judgment of the India Board at home, any regulation were adopted by the local government of Bombay, for instance, which might be injurious, would

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would not the India Board have the power either of submitting the expediency of an alteration to the local government, or moving the King in Council to repeal or alter the obnoxious regulation ?—Certainly they possess that power.

850. Then, in point of fact, there does exist, however little it may have been exercised, a controlling power in respect of the regulations of the different governments in India, similar to that revision which it has been the object of some late questions to suggest?—A controlling authority exists; but that such controlling authority may be efficiently exercised, it appears to me to be very desirable that there should be abroad the fuller discussion and information which the suggested arrangements might secure.

851. What was the result of the introduction into the Western Provinces of the Bengal Code of 1803; how long did it continue unmodified; and with what evils was its introduction accompanied ?—One great mischief was the transfer of a large portion of the property of the country by revenue sales, which appear to have produced a mass of evil worse almost than had resulted from the tyranny of any native government; and a great disturbance otherwise of private rights by revenue arrangements and judicial decisions. The general scheme of Government had no distinct reference to the local circumstances; and in the police especially the plan pursued being founded upon the Bengal system, implied a neglect of the character of the people, their institutions and natural leaders, such as could scarcely have occurred had the laws been fully discussed by officers on the spot communicating freely with the people.

852. Was that code, so introduced, afterwards modified ?—It has been subjected to various modifications.

853. So soon as those evils were discovered were they remedied ?—Not sufficiently soon to prevent a very great mass of evil.

854. At the suggestion of what authorities have such modifications taken place ?—Some of them at the suggestion of the local authorities; some at the suggestion of the members of government; some at that of the secretaries.

855. The natives being excluded from all participation in the civil government of their country, do they take any interest in any arrangements that may be made by our Government with respect to its civil administration ?—I believe that the parties interested often take a lively interest when a law is published and made known to them, and that they are quicker than ourselves in anticipating the practical results of laws.

856. During you own experience has not a very considerable change taken place in India in the state of public opinion, as affecting public measures; are they not much more discussed, both in general society and by the press, than they were some years since ?—There has been more discussion certainly, but very few of our laws have hitherto been discussed by the press.

857. Should you say that the discussion of such measures by the press, so far as it has gone, has been upon the whole useful or injurious to the interests of the country ?—I think the discussion of what may be termed public measures has been useful. I do not remember any instance in which it has been injurious. But some of the discussions about military patronage, and other matters which can scarcely be said to have been of public interest, may, I am afraid, have done harm to the discipline

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cipline and feeling of the army. It is remarkable how little our laws or our judicial decisions have been discussed.

858. Do you speak of the press in the English language?—Chiefly of that press. The Bengal press shared, I believe, with the English the discussions regarding suttee and some other matters of general interest; and it has given some representations of the practical effects of the police and revenue laws, and one or two other matters of detail which appeared to me to possess considerable value, and of which the extended exposition seems much to be desired, as giving to the Government a new access to the notions of the people in regard to the effects of their system. I am not aware that there has resulted anything like political inconvenience.

859. Those discussions, so far as you have observed, have been conducted with perfect safety to the Government?—I think so, so far as I am acquainted with the circumstances.

860. How long is it since anything in the nature of a native press has been established in India?—I believe about 10 or 12 years.

861. Do the publications of the native press penetrate at all into the interior, and are they on the increase?—I believe they are on the increase, but I do not imagine that they penetrate very far. The Persian papers, I believe, have not succeeded. The Bengalee papers are those that have hitherto succeeded, and they are limited, of course, to Bengal. An extended circulation may however be expected, for the natives seem sufficiently fond of news.

862. You have proposed to detach the Governor General from the local duties of the council in Bengal, and to leave him the general superintendence of the government of the whole country?—Yes, I think such a plan would be very advantageous.

863. Should you conceive it would be attended with public advantage to retain the present boundaries of the presidencies, or in appointing the lieutenant-governors would you make a new distribution of boundary throughout the Indian empire?—I am not aware of any essential change that would be advantageous, except that of dividing the Bengal presidency into two separate governments. Probably on the Western coast, Canara might be advantageously transferred to Bombay; but I am not sufficiently acquainted with that country to speak positively.

864. Is it the case that at present the promotion to office in the several presidencies is confined to the individuals within that presidency?—Yes, excepting the political branch, which is considered open alike to all the presidencies.

865. Would it not be desirable that there should exist the power of employing any Indian servant in any department at any presidency?—I think, upon the whole, it would be better if there was no absolute separation of the services; though practically there must be a distinct distribution, on account of the variety of languages and customs prevailing within the different provinces.

866. Can the Government, as at present constituted, exercise an effectual control over the different agents employed in the administration of the provinces?—I think the Bengal government cannot possibly do so. Its sphere is much too extensive.

867. It is principally in this view that you suggest the idea of establishing lieutenant-governors?—Yes; and as concerns the Bengal presidency, I think the Western

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Western Provinces require a separate government very urgently. The language, the habits, the institutions, the nature of property, every thing, in short, is different from Bengal; and I consider it a great misfortune to the Western Provinces to have been ruled so much by notions borrowed from Bengal, which necessarily prevail more in the councils of Calcutta than they would with a separate government, stationed near Furruckabad, Agra, Delhi or Meerut. Then in order that the Governor General may really control the other governments, it is necessary that he should not be responsible for the details of any presidency, especially of that which has more than 50,000,000 out of 70,000,000 or 80,000,000.

868. Do you happen to know what are the powers now vested in the resident at Delhi?—In the Political department he has the same functions as the other political residents, modified of course by local circumstances, and with several political agents (British officers) under him. He has the immediate charge of the King of Delhi, and his family and dependents: he superintends or manages the business arising out of our relations with Runjeet Sing, with the protected Sikh chiefs between the Jumna and the Sutledj, with the adjoining hill country, with Bhurtpoor, and various petty principalities lying to the West of Delhi, and with the princes of Rajpootana. In cases of emergency the military authorities, within the sphere of his authority, must attend to his requisitions; and of course the different political agents under him are required to obey his instructions in regard to all the matters falling within their cognizance. In the Judicial and Revenue departments he possesses the powers of the Sudder Court, and of the Revenue Board within the five divisions of the Delhi territory, the officers in charge of which combine the duties of judge, magistrate and collector, but without any printed code of regulations; and he exercises similar powers, but under the rules of the general regulations, within the districts of Saharunpore and Meerut and their dependencies, which form the upper part of the Doab, (or Two River Country) between the Ganges and Jumna, and are separated from Delhi by the latter. For each division, viz. that of Delhi and that of the Doab, there is a commissioner of revenue and circuit intermediate between the resident and the district officers.

869. Would the establishment of authorities, exercising somewhat similar powers but always subordinate to the Governor General, in different parts of the provinces, operate beneficially to the administration of the government or otherwise? —I think he has more power than it is right to trust to one man under any general and permanent system. But in particular places, where there is likelihood of disorder, unless the people are restrained by a strong hand; and where they are too ignorant and undisciplined to be governed or protected by fixed laws, a similar arrangement may be advantageous. In the Delhi territory, however, I do not see any sufficient reason for leaving the people altogether without published laws, though it would be very wrong hastily to extend to them the rules that prevail in other parts of the country.

870. Will you state what are the boards now constituted at Calcutta for conducting public business?—There are two revenue boards. One, called the Board of Customs, Salt and Opium, exercises a general direction and control over the several agents who provide the salt and opium, from the sale of which our revenue

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is derived, and over the other officers employed in the management and protection of those branches of the public resources. They similarly control the officers who are employed in the collection of the customs and town duties, the majority of whom are also collectors of the land revenue; and though they have no power in reference to the land revenue, all the collectors are under them in matters relating to the stamps and excise. For the general control of the business of the Land Revenue department, there is a board denominated the Sudder Board of Revenue, with commissioners over divisions of three or four districts, who also exercise, under the Nizamut Adawlut, the powers of judges of circuit. When the Governor General went to the Western Provinces he took with him a detachment of the sudder board, to exercise its authority over the affairs of those provinces separately from those of the Lower Provinces, and I believe it is proposed to establish a distinct board in that quarter, as well as a separate sudder court.

871. Is there not also a military and medical board?—Yes, there is a medical board, whose chief duty, I belief, is to superintend the provision and distribution of medical stores, to collect and examine the reports of the medical officers, and to advise Government on medical matters; and there is a military board, which acts as a board of ordnance and public works, controlling the supply and distribution of all military stores, the management of all military agencies or manufactories, the construction of buildings, and, in short, superintending and advising the Government upon all questions touching the *materiel* of the army; being likewise employed to superintend and control the construction of roads, canals, embankments and buildings in the civil department.

872. Are there boards of those descriptions at the minor presidencies also?—There are medical boards both at Madras and Bombay; and at the former they have a board of revenue and a military board. At Bombay a military board did exist, but was abolished by Sir John Malcolm, and I have not heard that it has been re established. There never was any revenue board at Bombay. These are all boards employed by the Government in its political capacity. At Bengal there is also a board of trade, which manages the provision of the Company's commercial investments, but has nothing to do with the political government of the country; there is no board of trade elsewhere but at Calcutta.

873. Is all the machinery now employed in carrying on the government; the boards of revenue, trade, custom, medical and military, necessary in your opinion, or advantageous to the efficient transaction of the public business in those departments?—I should think generally that a single individual would conduct the duty of the boards more efficiently than a collective body: I would except perhaps the military board, of which one main duty is to prevent expense, and to oppose plans likely to induce expense; and, as far as I understand its functions, I think there is an advantage in their being discharged by more than one person; but I conceive that one military board ought to answer for all India, if the army was one.

874. Is not the divided responsibility of the boards in itself an evil tending rather to the delay than the expedition of public business?—Yes, I think generally boards are efficient just in proportion as their duty is discharged by one man. It may be proper to state that the finance committee at Calcutta discussed that point among others.

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875. Are you aware that the amount of the salaries of the European civil servants in India amounts to the sum of 2,000,000*l.* annually?—It probably amounted to nearly that sum including all civil appointments; but has now, I believe, been considerably reduced by the revision which has taken place lately.

876. The principle of the system of Indian administration was to connect India and England, by giving the English, who govern India, a continual interest in returning home, consequently giving them the means of so returning home by larger salaries than under colonization might be necessary?—Yes, the object has been, I believe, to keep up their connexion with their native country in that way.

877. Would not that object be better answered by giving them retiring pensions at an earlier period?—They now do get retiring pensions after 25 years' service; the amount of which is, however, chiefly paid by a contribution from their own salaries.

878. In point of fact, about 1,000 or 1,100 Englishmen, of high education and good connexions, are receiving from the Indian empire the means of making fortunes and returning to this country?—I think they have generally the means of making fortunes sufficient to enable them to return to this country, but I am sorry to say that they have not generally availed themselves of the means given to them.

879. What is your opinion of that law which prohibits civil servants realizing in India whatever fortunes they may have acquired there?—I think that any restriction on the purchase of land, except such as may be suggested with reference to the actual employment of individuals, is inexpedient. While officers are actually in the service there would be a difficulty in allowing them to acquire land, because the possession of that would subsequently limit the sphere in which they could be employed by the local government, if it were thought, as I think it would be, objectionable that they should exercise authority in districts where they themselves possessed land. Saving those objections, I think the obstructions inexpedient and unnecessary.

880. Would it not be desirable, as far as the prosperity of that country is concerned, that individuals should invest the capital they have acquired there in advantageous commercial and manufacturing speculation there, rather than in remitting it home?—I think it would be advantageous to remove the existing restrictions, but at the same time I should not expect that much capital would be invested in land by the servants of the Company; the natives are willing to give so high a price for land that, to say nothing of climate, I have no idea that it would answer the purpose of an European to buy land in India, unless he wanted it for purposes of manufacture or trade, or had some scheme of improvement in view. But I think the restriction is useless, and, in the degree in which it operates, inexpedient.

881. How many years' purchase is obtained for land in the neighbourhood of Calcutta?—I have understood from many natives that they are very glad to purchase with the prospect of a return of six per cent., and some experienced officers have stated the ordinary rate as high as 20 years' purchase upon the net profit, after paying all the public burthens.

882. If land in India sells at from 15 to 20 years' purchase, and in England from 25 to 30, why do you presume that persons having made money in India, would not,

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not, if permitted by law, invest their money in land in India?—I do not think the difference of profit would be a sufficient temptation, except to a few. Most men desire to come home, and the chance of bad health and other contingencies, from which the native is free, would render it an undesirable speculation.

883. What is the general rate of interest of money?—The government pay five per cent. for most of their debts, and the six per cent. debt, which they cannot immediately get rid of, bears a high premium. They are now, I understand, paying off part of one of the five per cent. loans, and endeavouring to raise money at four per cent., at which rate a considerable sum was at one time raised, circumstances having occasioned a glut in the money market. Five per cent. may now be considered established as the government rate. Native bankers, I have understood, charge on accounts current six per cent. The mercantile houses in Calcutta are at present, I believe, giving about eight per cent. The bank of Bengal has of late generally discounted at five or six, requiring perfect security. The cultivators of the land hardly ever, I believe, pay less than two per cent. a month, and often more; and interest varies within wide limits according to credit.

884. With reference to the two millions annually paid in salaries to civil servants in India, you were asked whether that did not enable young men of good education and connexions to make their fortunes there, and remit them to England; from what source, other than from the industry of the natives, do those funds proceed?—A very considerable portion of the fund proceeds from the fertility of the soil, being in fact rent, of which, by the constitution of India, the Government is the owner. But of course without industry the land will not yield rent, and in that sense the fund may be said to be produced by the industry of the people. So in regard to almost all taxes; and even the opium revenue, which is a tax not levied from the people of India, but from the consumers of the drug in China.

885. Have you any doubt that the arbitrary rents demanded from the natives have been in many instances regulated rather by the exigencies of the Government than by the capability of the soil?—I have no doubt, in many cases, the Government demands have been raised higher than they ought to be, and very much in consequence of Government being or considering itself to be poor.

886. Are you aware that when Sir Thomas Munro remonstrated with the government at home on the fatal mistake which had been made in making too high an assessment in Madras, he was answered, nevertheless, the Government could not afford to lower it?—I believe that answer was made to him, but made I conceive in error.

887. With a view to the principle of government of that country, do you not think that whatever may be the organ of the administration of affairs of India at home, means must be found of reducing the expense of its administration?—I believe the measures now in progress will leave the existing revenue sufficient: but it certainly is highly desirable to reduce every thing which can be reduced consistently with the safety and good government of the country; and more especially I consider it necessary for the good government of the country, that the owners of land should be allowed a share in the rent, that there may be no reasonable ground to doubt whether the government demands exceed the rent or fall short of it.

888. You

888. You consider the difference between European and native agency to be as nine to one; and that a native might be got for 100 rupees, to perform the same duty that an European performs for 1,000?—I think 3,000 rupees a year would, on an average, be sufficient for native judges, and I do not think the English judges are overpaid at 30,000. But I believe higher salaries for the natives have been recommended by some of the judicial officers in Bengal.

889. There are instances of natives holding judicial offices to the extent of 600 rupees a month, are there not?—In Bengal I knew only of one officer so paid; the head Moslem officer attached to the Sudder Court, who is called the Cazee ool Cuzat. The native officers at Madras and Bombay are, I believe, more liberally paid, but I do not know the precise amount of their salaries. And referring to the price of labour and of grain in the Bengal provinces, it appears to me that the average of 3,000, admitting of gradations up to 6,000, would be there sufficient for the native judges. The European judges, I should observe, I contemplate as being judges of appeal; and though I should expect from the natives equal talent, and probably more work, I should not expect the same degree of trustworthiness.

890. The last answer has supposed that a court of appeal, consisting of European judges, should at any rate exist; does not the existing system furnish the best means to those who now sit in the judicial courts, of obtaining that knowledge which can alone enable them to decide appeals; and could such knowledge be obtained, unless the parties sitting in the civil courts had previously passed through the judicial course in those inferior branches in the districts?—I do not think that the present system furnishes the information necessary for the purpose. Our officers are generally too ignorant of the people to administer good civil justice. I conceive that a civil servant should not commence his career with the discharge of judicial functions; but should be employed on executive duties, which would make him minutely acquainted with the revenue system of the country, and with the rights and institutions of the people, before he was raised to be a judge of a district.

891. Is it part of your plan that there should be any, and how many, European judges in the provinces?—I think about 41 in the districts.

892. How many now exist in the districts?—There are 52 judges; the proposed plan would give 41: the total civil servants of the higher grades at present 173; I should propose 146.

893. The saving of judges would be 11, and of other servants 27?—Yes; and ultimately I think that fewer European judges would suffice. The authority of natives being gradually extended, and the control of the European judges becoming less and less detailed, much expense might thus be saved. The conduct of the natives will, I have no doubt, be found good in proportion as they are well and liberally treated. The Bengal judicial officers are united in saying that the sudder ameens are respectable men, and at Madras the native district judges are equally esteemed.

894. Are there any gradations, or are the judges all of the same rank?—Of the European judges there are three grades, the district judges, the provincial judges, and the judges of the Sudder Court. Of the native judges there are two classes; moonsifs, of whom there are several stationed in the interior of every district, and sudder

sudder ameens, who are established at the same station with the European district judge.

895. There is no judicial officer inferior to the judge in a district?—Not uniformly; but there are magistrates or joint magistrates, who are not civil judges, but exercise civil jurisdiction under special appointment; and the registers generally try and decide causes referred to them by the judge.

896. Does your experience in Bengal enable you to state to the Committee under what circumstances a disability in respect to the property of the natives of India, whether Hindoos or Mussulmans, occurs when they shall have embraced Christianity?—I have never had any case of the kind brought distinctly to me, excepting what are stated in a pamphlet printed at Calcutta by some of the gentlemen engaged in propagating the Gospel in India; but I have communicated with different officers on the subject, and I believe it to be generally recognized as part of the Hindoo law that the right of inheritance is forfeited by conversion to and the observance of another faith.

897. It is the same with the Mahomedan law, is it not?—I apprehend so.

898. In both cases generally, not by conversion to Christianity, but by departure from their original faith; by becoming an outcast in the case of the Hindoo, and an infidel in the case of a Mussulman?—Yes; and in the case of a Hindoo the question would probably turn, not on matters of faith, but on practices supposed to be inconsistent with the retention of caste.

899. Has any mode occurred to you by which, preserving perfectly and entire the toleration of our native subjects, the rights of those who may become Christians, rights connected with civil property, may be preserved to them also?—The question was discussed in Bengal, and is adverted to in the correspondence regarding a legislative council. It was admitted to involve considerable difficulty. Upon the whole, the impression upon my mind was, that a general law should be passed, declaring that no such consequence should follow a departure from hereditary faith, excepting with regard to property (to be defined), in regard to which there might be conditions inconsistent with a change of religion: such, for instance, as the management of various endowments, both Hindoo and Moslem, which could not, consistently with their purposes or the rights of others, be vested in any who had not adhered to the old faith. In the case of Hindoos, too, I should imagine that it would be ordinarily found necessary to leave the family house with those who continued in that faith, without interference of the convert, for many have temples attached to them; and it would, at any rate, I conceive, be impossible that the convert could live with his unconverted relations. To compel a sale would be a hardship and offensive.

900. Your experience has not furnished you perhaps with any practical instance of the evil, or the mode in which the evil was evaded or remedied?—No, I have never had to do practically with any such case.

901. Would you leave to the Hindoo or Mussulman the power of bequeathing property to his descendants on condition of their remaining in the faith of their ancestors?—I think the law of bequest ought to be left as it is. Moslems are limited to the bequest of one-third of their property; and though the Hindoos, under the law as administered in Calcutta, are, I believe, considered to have an absolute right of bequest, I should not interfere to alter the law by a legislative enactment.

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902. The Hindoo having the absolute right of bequest, would be very likely to enjoin the continuance of his sons in the faith, as the condition of their inheriting the property?—Still I should not interfere with the right, if it exist.

903. Do you consider that in the case of intestates there will be any objection to a regulation by which the courts should be directed or permitted to divide the property of such person, being a Christian, in the same way that he would divide it if he had remained either a Hindoo or a Mussulman?—No, with the exceptions I have already mentioned.

904. The Committee understand, that certain regulations have been established in Bengal, by which certain offices were reserved to Hindoos and Mussulmans, with reference to the exclusion of European candidates for such offices, or the half-castes, Indo-Britons; practically has the interpretation of such regulations been to exclude Hindoos and Mussulmans who should become Christians?—I believe it has operated to exclude Christians in districts under the Madras presidency, where the Christian population was considerable. I am not aware of any similar result having occurred practically in Bengal.

905. Are you aware how far the existing ecclesiastical establishment in the Bengal presidency is adequate to the wants of the English population?—On that subject I beg permission to refer the Committee to a report of the Finance Committee which sat in Bengal in 1829-30; it is dated the 30th April 1830. The chief difficulty is to determine how far it is incumbent on the Government to provide for the spiritual wants of the population.

906. That being also a question of finance?—We had to consider it chiefly as such; but the late Bishop Turner, I believe, reported to the Government fully upon the subject, with reference to the suggestions of the committee.

907. Do you know that in Southern India Christians, both Catholic and Protestant, intermarry with the Hindoo tribes, and continue to keep up caste?—I am not aware that such is the case. I know that in the Upper Provinces of the Bengal presidency many retain the name of Rajpoots who have become Moslems, and other Hindoo converts to the Mahomedan religion adhere to their notions of caste, and other ancient customs and prejudices; but I do not believe that those of different religions intermarry.

908. Are you aware of any instance in which a Hindoo, from having violated caste in many instances, was declared by the court to have been subject to the penalty of expulsion from his trade irrevocably, in reference to one only of all the offences proved to have been committed by him; that one being the offence of cohabiting with a Mahomedan woman?—I do not remember any such case; indeed, I believe several Hindoos on the Bengal side of India have been guilty of the offence without the penalty following; though probably, if it were brought under the cognizance of their punchayet, or general assembly, expulsion would follow.

909. The case to which reference was made in the question lately put was a case said to have occurred in the Sudder Dewanee Adawlut in the year 1814; does that or not bring the case to your recollection?—I think I know the party referred to. The family was one of distinction in Behar; but the circumstances have escaped me; they will probably be found in one of the printed reports of decisions passed by that court.

Jovis, 8° die Martii, 1832.

Sir JAMES MACDONALD, Bart. in the Chair.

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C. Lushington, Esq.

CHARLES LUSHINGTON, Esq. called in and examined.

910. DURING how many years were you a servant of the East-India Company in India?—I was actually resident 22 years; but altogether I was about 27 years in the Company's service.

911. During how long a portion of that time did you fulfil the duties of Secretary of the General Department at Calcutta?—I was Secretary to the Government in the General Department of Bengal nearly 10 years; two years of that period I was Chief Secretary to the Government, in addition. During the same period also I was about six or eight months Private Secretary to Mr. Adam and to Lord Amherst

912. Mr. Adam was at that time exercising the functions of Governor-General?—He exercised those functions from the end of January to the beginning of August 1823.

913. Will you state to the Committee, as the result of your experience in India, what you consider to be the advantages or disadvantages of the existing system for educating the civil servants of the Company?—I think the present system of education at Hertford is defective. The character of the education of the young men is not sufficiently defined; it appears to me that they are treated neither as boys nor as men. I am inclined also to be of opinion, that in consequence of the nature of their appointment, they are apt to presume too much upon their *interest*; they consider themselves too free from responsibility; and I believe that, with some few eminent exceptions, the proficiency in the native languages which the writers ordinarily take with them from Haileybury to Calcutta is imperfect. If the Hertford institution be maintained, its anomalous system should be corrected; it should be considered and governed either as a seminary or a college, not as a nondescript establishment, where the youths are subjected to an ill-defined restraint, vacillating between the coercion of a school and the liberal and manly discipline of an university.

914. Does not that undue reliance upon what you term their interest, emanate in a great degree from the system of nomination under which they are originally appointed?—Yes, that is what I allude to.

915. Do you consider the qualifications established in the system at Haileybury as the best that could be devised, with a view to the formation of the young men for useful civil service in India?—No, I do not think they are.

916. In what respect do you consider those qualifications as defective?—I think that too much time is devoted to an ineffectual attempt to acquire the native languages, which would be much better learnt in India. I would confine the study of the native languages at Haileybury merely to the elementary and grammatical parts; leaving

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leaving the rest to be acquired at Calcutta, either at the College or in such other way as may hereafter be determined; in fact, I would devote the education in England to the acquisition of the points of education of a gentleman, laying a good classical foundation, according to the existing practice of tuition, and combining with it the study of state polity and general jurisprudence.

917. Do all the young men proceed at present to India with the same certificate of qualification?—As far as I recollect, they all have one form of certificate.

918. Has it been very generally found that the attainments of the young men have corresponded to such certificates?—I think in most cases they have. I have observed in one or two instances, in communication with the officers of the College of Fort William, that the qualifications of the young men did not answer quite so strictly as they should do.

919. Do you mean that on their arrival at the College at Calcutta, it has not been very frequently found necessary for them to begin their education almost *de novo*?—Occasionally with respect to the Oriental languages. Credit is sometimes given to the young men for respectable proficiency in Persian, Bengalee or Hindostanee, when their ignorance of those tongues is but too apparent.

920. What should you consider the most efficient mode of obviating the evils arising out of the system of nomination to writerships at home?—I can answer that point most readily, because I have frequently considered it. I think the best plan would be, to distribute the writerships among the universities and great seminaries of England, Scotland and Ireland, or entrust them to some high tribunal, empowered to bestow them according to a conscientious and uninfluenced estimate of the claims of candidates, whose only title should be their merit, and whose only disqualification, if unobjectionable in a moral point of view, should be their deficiency in the attainments adapted to the stations for which they are destined.

921. To vest them, in short, in some independent authorities; the basis of obtaining such preferment consisting in public competition?—Exactly so. The consequence would be, that we should have the choice of the greater portion of the rising talent of Great Britain; and India would be supplied with functionaries of superior and authenticated ability. I conceive that the character of the service would be very much raised indeed by such an alteration.

922. Do you not conceive that by such a change of system the moral character of the young men so sent out would be materially affected?—I think so. We should have men of a steadier cast, and more alive to the consequences of responsibility.

923. With respect to the age at which young men should proceed to India, is it your opinion that the present age is too high or too low?—I think, on an average, they generally go out at about eighteen. That is a very fair medium to take, but I would rather have them go out older than younger; certainly by going out older, they are more likely to avoid habits of expense.

924. If the principle of introducing into the civil administration of India more generally native agency were adopted, must it not follow that there would not be so many probationary offices for young Europeans to fill in India as there are now?—Certainly not. When the system is matured, I should conclude that we should not want any young men for assistants or registrars.

925. If

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925. If then the offices of greater responsibility and control were alone reserved for Europeans, would it not, in your opinion, be desirable that young men should proceed from this country with a view to filling such stations at a somewhat more advanced period of life than at present?—Yes, certainly, supposing they are at once to step into situations of importance; but the difficulty occurs how they are to acquire the necessary experience and local knowledge, without a suitable probationary course of service in India.

926. Does not a young man proceeding to India cut himself off altogether from the different professions, civil and military, of this country?—Yes, he does, unless he returns to England within the age necessary to pursue such professions.

927. Does it not follow from this, that the instances have been very rare of sending back to England young men who have proceeded there, appointed to writerships, however deficient, in point of ability, they might have proved themselves for employment in India?—I think that consideration has operated very strongly with the Government.

928. Do you remember any instances of young men being sent back, except for some moral offence?—I do not remember any young man being sent back.

929. What is the principle of promotion of the civil servants of the Company when in India; is it by seniority, or is it by favour of the local government?—In as many cases as possible, regard to seniority is observed. There are some very important situations where it is absolutely necessary to overlook mere seniority, and to select men of marked ability; for instance, the political residencies, the Sudder Dewanee Adawlut and some others; but the claims of seniority are respected as much as possible, so much so as to deprive the Governor-General of a great portion of what would be considered patronage; he scarcely has a selection. I look upon it that the patronage of India, I mean Bengal, which is the only part I am intimately acquainted with, is, generally speaking, dispensed with remarkable equity.

930. If the supply of writers is proportioned at all to the demand for filling up vacancies as they arise in India, it is presumed that the Governor-General has very little room for selection in the servants to be promoted?—Certainly but little.

931. If, on the other hand, a large body of supernumerary young men are sent out to India, would it not entail a very heavy charge upon the finances of the country?—Yes, I should think so.

932. Have you any doubt that there are at present, and under an extended system of native education, would for the future be, a still larger supply of intelligent, informed, and trustworthy natives, adequate to fulfil the duties of nearly all the offices, except the highest, in the Revenue and Judicial departments?—Undoubtedly; I have a very high opinion of native talent.

933. Would the introduction of native agency into those departments, and the giving the people of the country reason to know that they were not excluded from those rewards which await European talent and acquirement, in your opinion, tend to strengthen their attachment to British dominion?—I should think there can be no question that it would do so.

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934. During the period of your residence in India, did not you interest yourself considerably in the system of native education?—A great deal, as far as my official occupations would allow.

935. Will you state whether of late years much has been accomplished in Bengal in that particular?—Some years back the Company were authorized by an Act of Parliament, to appropriate a lac of rupees annually to promote the diffusion of education among the natives, out of the surplus territorial revenues of the Company. For a long time there was no surplus revenue; indeed, I am not quite certain that there is any now: but a few years ago the Government began to apportion that annual lac of rupees regularly amongst certain institutions, and I may say, that for the last seven or eight years the Government have afforded the most efficient, the most cordial, and the most benevolent support to the education of the natives. They have established a Sanscrit College, with a foundation of 30,000 rupees a year; they have established a Mahomedan College, with the same endowment; and they have assisted very much what we call the Anglo-Indian College, which is a college founded by the Hindoos themselves almost expressly for the cultivation of the English language. They have favoured this college very much, by allowing it the use of instruments, books, and other facilities, and permitting several of their own officers to act as examiners, and to aid them in various ways. The examinations of this latter college, I know in one instance, and probably in several instances, have been conducted at the Government-house in the presence of the Governor-General. The Government have revived the colleges of Delhi and Agra, also one at Benares, and they have established schools at Chinsurah, Chunar, Ajmere and Bhagulpore and other places; they have also appointed a committee of public instruction, who superintend not only the Government's own institutions, but afford their aid and countenance to all the schools belonging to natives which may apply to them for aid. The committee are specially instructed to submit from time to time to the Governor-General in Council such measures as may be calculated to improve the education and morals of the people by the introduction of useful knowledge, including the sciences and arts of Europe. The principal civil servants at the presidency belong to the committee, of which a member of council is usually president. The progress of native education is ascertained with great anxiety by the Governors-General. In their speeches to the assemblies of the College of Fort William, notice is always taken of the progress of native education, and learned natives are very much encouraged; I should say on the whole, that a very warm and heart-felt interest has been shown by the Government in native education, and that its servants also, as far as possible, have contributed their endeavours to the promotion of that most desirable object.

936. However strong the interest felt by the Government in the object of educating the natives of India, are the Committee to understand that one lac of rupees, about 10,000 *l.* sterling, is the only portion of a territorial revenue of about 20,000,000 *l.*, at present devoted to that object?—I suspect so, except some inconsiderable additions; they occasionally give a few hundred rupees a month to other institutions for native education.

937. You have mentioned that the natives themselves established an Anglo-Indian College at Calcutta with a view principally of acquiring and disseminating the

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the English language; is not that, in your opinion, a strong proof of the eagerness of the natives to acquire the English language?—It is a very strong proof; and that is not the only proof, because they have constantly shown a great anxiety to acquire the English language.

938. Are the Committee to understand from you, that in the establishments hitherto existing for the purpose of promoting native education, the acquirement of the English language has been universally adopted as an essential object?—The Sanscrit College was originally instituted principally for the cultivation of that language, but an English class was afterwards added. In the Mahomedan College the study of Arabic and Mahomedan law is chiefly cultivated; but they also have an English class.

939. Do you not think that by opening employment in India to such natives only as should have made some progress in the acquisition of the English language, a great stimulus would be given to the natives generally to acquire it?—Yes, I think so.

940. Even at present, small as is the portion of natives in the civil administration of their own country, do they not, in many instances, prefer the English language to the Sanscrit, and other foreign Oriental languages?—I think the younger class do. There has been a very great interest indeed excited among the rising generation in favour of the English language.

941. You are aware that the proceedings of the courts of justice in India are universally carried on through the medium of a foreign language, namely, the Persian; do you think it might be possible gradually to introduce the English language into the details of the administration of the courts of justice?—I cannot see any objection to that, because the Persian language is as much a foreign language to a Hindoo as English is. The Bengal government, however, have gone far towards settling that point, by promulgating their intention gradually and eventually to render the English language the medium of transacting public business throughout the country.

942. Do you consider that the giving to the natives systematically an enlightened education, affords the best chance of the advancement of the Christian religion in India?—It is the only rational foundation. While encouraging, to every prudential degree, the dissemination of useful knowledge among our Indian subjects, every government under which I have served, has enjoined the most scrupulous adherence to the long-avowed and indispensable condition of not interfering directly with the religious opinions of the natives, an injunction which has pointedly and wisely been reiterated by the Court of Directors. A disposition having of late been manifested in certain quarters to depart from that judicious and just course of policy, it seems expedient that our obligations, as declared by Act of Parliament to respect the religious prejudices of the people, should be reviewed, and their observance authoritatively inculcated, for if we disregard our solemn engagements to our native subjects, we must calculate on their bitter disaffection.

943. Have you had occasion personally to observe any instances in which the extension of education has had the consequence of affecting the religious feelings of the natives?—I have not had any personal observation of the fact; but I apprehend it certainly does exist very strongly. I have great reason to suppose, that at

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at least one in ten of those Hindoos at the presidency who have at all given their attention to reading, scoff at and have abandoned the follies of idolatry, and become deists. I had not much intercourse with the natives myself in India.

944. Has any progress been made in the Bengal presidency in the conversion of the natives to Christianity?—I am afraid very little; there have been to my knowledge one or two remarkable instances, however, of sincere conversion, and many more are claimed. The cause of Christianity will not be promoted in India by premature, injudicious or fanatical attempts at proselytism. The experience of late years has shown (I mention it with sorrow) that the direct and permanent conversion of adult Hindoos or Mahomedans (especially the former) is extremely rare; it only remains therefore to seek the propagation of Christianity by the slow process of instructing the rising generation. The progress must indeed be gradual, but the results will be solidly beneficial. Any efforts to force such results, by open interference with the religious observances of our native subjects, might, without advancing the great cause in view, produce consequences the most injurious. Such proceedings might tend to our expulsion from the country in the midst of our career of usefulness, and cast back the objects of our care into their ancient ignorance. We must patiently persevere in the course which has already produced a large harvest of improvement. It is true that the consequences of our teaching the natives the value and extent of their power will lead to their asserting it, and to the subversion of our rule; but this consummation is not likely to occur, till the light of knowledge has spread widely and beyond the risk of extinction, bringing with it the secure establishment of Christianity. The change of dominion will then, it is to be *hoped*, be effected without convulsion; we shall retire gracefully; gratitude will succeed to resistance; and instead of our being execrated as reckless tyrants, our memory will be revered as belonging to enlightened benefactors.

945. In what light are such converts held by their countrymen in Bengal?—Greatly depreciated. They cease to associate with them; they will not eat in their company, and, in fact, despise them.

946. You stated that you had a high opinion of the native talent; have you also a sufficiently high opinion of their trustworthiness, to consider that native agency generally might be employed in India?—Generally speaking, I have not a very high opinion of their trustworthiness; but I think it is because when they have been in situations of trust, they have never been adequately remunerated; but if they were liberally paid and properly educated, I do not see why the Bengalee should not be as trustworthy as the European. I can adduce one instance within my own knowledge, which, I think, showed great trustworthiness on the part of the natives: it rather concerns myself personally, but perhaps I shall be excused for mentioning it. After I had been in India about 11 years, I was obliged to go home for my health. As I had been in the Political Secretary's office during the whole of that period, except when I was in college, I had long ceased to give any attention to the native languages, except for mere colloquial purposes. I returned to India after an absence of nearly four years, and of course was thrown out of my situation in the Secretary's-office. It was necessary to take some employment or other, and it was also necessary to take the first that was offered (I would not have accepted a judicial one, from conscientious motives), and

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and I was appointed Acting Collector of Burdwan, the revenues of which were about 450,000 *l.* a year. When I took charge of that collectorship, I was almost wholly ignorant of my duty, and had to depend for advice on the head clerk, a Bengalee, but who understood English perfectly. I remained there six months, and of course endeavoured to qualify myself as well as I could, and also showed as much pretence of supervision as it was possible for me, under such a state of inexperience, to evince. I was then summoned to Calcutta to officiate as Political Secretary to Government, and was enabled to render up my accounts, and to *escape* from the collectorship (for I can use no other word) without complaint or defalcation, owing in a great measure to the integrity or moderation of the principal native officers.

947. The term "Collector" would imply to an Englishman a mere receipt of money; will you give the Committee some notion of the extent of duties which devolve upon an individual filling that office?—The principal duty of a collector is to receive the revenue, and to preside in what we call summary suits; that is, suits that require early decision between the ryot and the landlord. I believe these are appealable to some other court, but I cannot speak much about revenue matters, as six months, 15 years ago, were all the experience I had on those points

948. Does the collector combine any other functions?—Not that I recollect.

949. Does any method suggest itself to you, in which the Government could give encouragement to the village schools, however trifling the amount might be in each case, which would considerably facilitate the acquisition of English by a large portion of the population?—The most effectual mode of aiding them would be to assist in providing them with competent masters, a measure not very easy of accomplishment, as a considerable prejudice exists on the part of the Hindoos against becoming teachers for hire; but this prejudice has of late been weakened.

950. You said that the natives had shown a great anxiety to obtain a knowledge of the English language; can you state whether many of them have made any proficiency in the language?—They have made very remarkable proficiency in the English language. Some of the students, who have completed their education in the Hindoo College and other institutions, are in the habit of holding debating societies, where they discuss topics of considerable importance in the English language, and read lectures and essays of their own composition, upon various literary and scientific subjects. At one of the meetings above mentioned, the question for discussion was, "Whether posthumous fame be a rational principle of human action or not." It is true that the debate soon branched off into a consideration of the possibility and probability of human perfection, but the orators spoke with remarkable fluency, quoting Gibbon, Hume, Reid, Bolingbroke, Voltaire, Shakspeare, Milton, &c. The forms of similar meetings in England were imitated, and the chairman having inquired the reason of the secretary's absence, a loud cry of "Persecution!" was raised, and it was explained that he was prevented from attending by his father, who was afraid that his principles of paganism should be corrupted, in consequence of the other members being deists. Thus has the beginning of a most wonderful change been worked among a race, who for a long time were considered as sunk in a hopeless state of ignorance and the blindest idolatry. I should have mentioned before, that one of the young Hindoos in question being called

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called upon at the police to swear, as usual, on the waters of the Ganges, declined, averring that he should just as soon swear by the waters of the Nile.

951. Have you known of a native of Calcutta, a Hindoo of education, publishing a work, turning into ridicule the idolatry and superstitions of the Hindoo religion. The question refers to a work published in the year 1820?—I do not remember it.

952. Are you aware that any of the young men at Calcutta have established a periodical work in the English language?—I cannot speak with certainty; but I think I have heard it mentioned.

953. Were you present at any of the debates you have mentioned?—No; but I am in correspondence with persons who have sent me authentic information on that subject.

954. What subordinate offices had you filled in India previous to your appointment to the collectorship of Burdwan?—On my leaving college I was appointed Assistant in the Governor-General's office. That office consisted of eight or ten junior civil servants employed under the Marquess Wellesley solely in the duty of transcription, but of a strictly confidential nature. Afterwards, upon the dissolution of that office, I was appointed Assistant to the Secretary in the Political department; I then became Deputy Secretary in the same office, and was obliged to return to England for my health in 1812. Upon my return, I was appointed to the acting collectorship of Burdwan, and then became Secretary.

955. It was not, then, by virtue of seniority that you became collector of Burdwan?—I was entitled to a collectorship by my standing.

956. Will you explain to the Committee what you mean by being entitled to a collectorship by your standing?—Unless in consequence of notorious incapacity, a civil servant is, after six or seven years, supposed eligible to a collectorship.

957. Is it usual for writers to be appointed to situations without any reference whatever to their capability or their adaptation to the offices to which they are appointed?—Yes, because they possess very little peculiar qualification when they first leave the college; some young men who have made very great proficiency are generally selected for the political residencies.

958. Did not the government of Bengal in 1823 state to the Court of Directors that the supply of civil servants, from temporary causes, was inadequate to the demand?—I think they did.

959. Did not the local governments in consequence appoint one or two individuals, not of the regular civil servants, to offices commonly held by covenanted servants?—I do not remember any particular instance of it; but it does not follow that the fact may not have existed, because I was only cognizant of the affairs of my own department.

960. Do you conceive that the present mode of administering the public departments in Calcutta, through the agency of Boards, is attended with advantage to the public service?—Certainly not with advantage; I think it is attended with great inconvenience and great delay. Instead of having Boards, it would be much better to have one responsible efficient person. The consequence of a Board, in many cases is, that you have one able man who does the work, and you have an inferior person, or a person of tolerable attainments, just to fill up the number to make the quorum.

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961. From the distance to which many of those who administer the government in India in the provinces are removed from the seat of government, must it not happen that the government of the residency can have but an imperfect control over their proceedings?—Certainly.

962. In what way does it appear to you that it would be desirable to amend the system of the administration of the government in India itself, with a view to give it greater vigour and unity of action?—That is a most momentous and important question, which I feel great difficulty in answering.

963. Does it appear to you that by the appointment of lieutenant-governors, vested with considerable powers, but always subordinate to the Governor-General, a greater degree of vigour and uniformity of action might be given to the executive administration of the country?—Yes, I think so, and the Governor-General would be greatly relieved by such appointments; nor do I think, upon the whole, it will be the cause of great additional expense, because other appointments might be dispensed with.

964. Under such a system, might not, for instance, the expense of the governments at Bombay and Madras be very materially reduced?—I think they might, certainly. I conceive that instead of having governments with councils, &c., you might have lieutenant-governors there also, by which an immense expense would be saved.

965. What additional powers do you think it would be expedient to give to such officers, beyond those now exercised by the present provincial authorities?—The lieutenant-governors, supposing that system to prevail over all British India, would require very extensive powers, territorial, judicial and political, which should enable them to act without reference to the paramount authority, except on the most important occasions. It would simplify the business a great deal, and would save the time of the Governor-General. At present, the Governor-General is overwhelmed with business, and it is impossible for him to attend to every detail submitted to him. Of course there might be some efficient plan of responsibility arranged for the lieutenant-governors, but I do not profess to say what it could be just now. I am only speaking in reply to the question, as to the general alteration which I think might be expediently introduced.

966. Should you think it advisable that the Governor-General should be detached from the local administration at Calcutta?—I would confine the attention of the Governor-General to the most important points; he has far too much to do. I think that the members of Council might perform a great part of the business upon their own responsibility; I even think the secretaries to government might take their share in the executive also, upon responsibility, without making a reference upon every trifle, as they have to do now, to either the Governor-General or the members of Council. The consequence is, that as the Governor-General now must devote the greatest part of his time and attention to political matters, other subjects necessarily receive but a very crude degree of his consideration. It is physically impossible for any man to discharge all the duties which he, as Governor-General, professes to perform.

967. Can you suggest any mode by which it appears to you that the present immensely voluminous correspondence between India and this country might be abridged?—If the home authorities would dispense with so much detail as they require

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require at present. We are expected now to send home a copy of every paper, however trifling, which comes before Council, and not only one copy, but copies in duplicate to the Court of Directors, and I believe in duplicate also to the Board of Control. I would send home transcripts of important papers, and indexes containing the heads of others which are not of great importance, and which might be furnished when required. A good index would keep the home authorities advised of the contents of the Indian records.

968. Is not the tendency of the executive government being discharged through the means of Councils or of Boards, to increase unnecessarily the amount of public writing?—I think it does increase the amount of public writing; but the members of Council are extremely useful to the Governor-General; they arrange for him the most material points of correspondence in judicial and territorial matters, and relieve him from a load of detail; but they could relieve him still more if they were allowed to decide upon many of those matters upon their own responsibility. As for the Boards, as I said before, I think they had better be abolished, and one responsible person be substituted.

969. The power of making regulations by the government of India, the Committee understand, is at present vested solely in the Governor in Council?—Yes.

970. Does it appear to you that any better tribunal might be constituted in India for so important a purpose?—Not having given my attention to that subject, I am not prepared to speak upon it.

971. Does it occur to you that, in matters so vitally affecting the feelings and wants of the natives, it might be possible to introduce into such legislative councils a person of native talent and experience?—I think it would be consistent for me to return the same answer to this question, that I have not considered the subject.

972. What was the state of the press in Calcutta at the period of your residence there; and what do you understand it to be at the present time?—The press in Calcutta was for a long time under a censorship; at last, in the time of Lord Hastings, an Anglo-Indian editor discovered that he could not be legally sent out of the country for press offences; the consequence was, that he set the Government at defiance, and refused to adopt the erasures of the chief secretary, who was the censor of the press. The Government then, making a merit of compulsion, adopted a set of regulations, by which they required that the proceedings of the public press should be conducted, and took off the censorship; and those Regulations were for a time, as far as I recollect, very fairly adhered to. At last a gentleman established a newspaper, called the Calcutta Journal, which soon became extremely popular, and which was excellently conducted, I mean as to ability. The editor certainly created in India a great taste for literature, and for the prosecution of enlightened pursuits: but, unfortunately, he thought it necessary to infringe the Regulations, which produced remonstrances from the Government. To those remonstrances, as far as I recollect, he generally returned respectful answers, and the next day repeated his infractions. The Government, pursuing their system of weakness, continued to remonstrate with the editor. I am not certain whether I am correct as to dates now, but about this time an address was presented from certain individuals at Madras to Lord Hastings, congratulating him, and compli-

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menting him upon having taken off the restrictions upon the press, which restrictions were in existence at that time. Lord Hastings was extremely pleased with this address; and in his reply dilated upon the advantages of a free press, and the credit which reflected upon a liberal government from allowing its measures to be publicly discussed. Whilst he was receiving those compliments, as Governor-General, he was authorizing remonstrances and threats to the editor of the Calcutta Journal, as Governor-General in Council; and latterly, whenever the editor received one of those letters of remonstrance from the chief secretary, he of course threw into the teeth of the Governor-General those liberal expressions in his speech; the consequence was, that Lord Hastings felt himself committed; and though he acknowledged the necessity of curbing and coercing the editor of the Calcutta Journal to the very utmost, yet he was in a dilemma, and he deferred each hour the infliction of severe punishment until he left the country. The editor in question continued, after Lord Hastings's departure, to defy the Government: one of the usual warnings, but I believe in a little stronger terms, was conveyed to the editor, upon the part of the then Governor-General in Council, Mr. Adam. He continued, and having reflected upon some act of the Government, the consequence was, that he was ordered to quit the country. Afterwards another individual incurred the same fate, during the government of Lord Amherst. After a time, the Regulations being loosely drawn up, and easy to be misconstrued by such as wished it, the Government applied to the Supreme Court for a bye-law, which should reach all native editors, Anglo-Indians and Bengalese; and a bye-law was in consequence enacted, which put the press under severe regulation, and made the editors liable to very strong penalties; I think they went so far as to confiscate the press and the materials, and also involved a fine upon each copy of the newspapers published which was considered offensive. Such was the state of things when I left India. I understand since, that Lord William Bentinck has allowed a system of the press totally licentious and free; by licentious, I mean that he has given it full license.

973. What were the offences, generally speaking, imputed to the publications of the editor of the Calcutta Journal?—Generally calling in question the acts of the government, so far as I recollect.

974. Do you recollect any specific instance of having excited natives to rebellion, or the soldiers to mutiny, or any offences of that description, tending to put the Government in peril?—No.

975. Do you know what were the consequences to the editor of the Calcutta Journal of his summary deportation?—The consequence was that he suffered very severely in his fortune.

976. You stated that the Government applied to the Supreme Court for a bye-law; will you be so good as to explain to the Committee what you mean by the Government applying to the Supreme Court for a bye-law?—The Supreme Court, in conjunction with the Government, are entitled, according to law, to enact certain laws for what is called the better government of the town of Calcutta and its vicinity, or some such expression.

977. Will you state what is the difference between a Regulation and a bye-law?—A bye-law simply applies to Calcutta and its vicinity; a regulation is one of general

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general extension to all the courts in the interior, and is either strictly judicial or territorial.

978. Do you mean that a bye-law would have no effect beyond the Mahratta Ditch?—I think not.

979. Is it necessary that such bye-laws should have their origin in the Supreme Court?—As far as I recollect, the Government proposes the bye-law to the Supreme Court, which registers it or not as a legal enactment, after hearing objections to it, according to fixed forms.

980. Is that bye-law still in force, or has it since been repealed?—I suppose it is in force.

981. Are you aware whether it has in any instance been acted upon?—I do not remember.

982. Are not the civil servants of the Company generally at present precluded from taking any part in the press of India?—They are debarred by the orders of the Court of Directors from being proprietors or editors.

983. Is there any interdiction against their being writers in periodical journals already established?—No, I do not think it extends to that.

984. Does the power of the Government under this bye-law extend equally to the native as to the European press?—Yes, it was intended to extend the control to the editors of native newspapers which had lately risen up.

985. At the period of passing this bye-law, does it come within your knowledge how many of the judges in Calcutta were present upon the bench?—As far as I recollect, there was only one, Sir Francis M'Naughten.

986. Was a similar bye-law applied for to the bench at Bombay?—I do not know.

987. Are you not aware that the bench at Bombay refused to sanction any such regulation?—I do not remember the circumstance.

988. Is it your opinion that the encouragement of native journals might be made the means of conveying information highly beneficial to the natives of India?—Unquestionably; but I would exercise a very close supervision over them, for fear they should be the means of doing mischief to the native army; in fact, the native army is the only body which is to be considered now-a-days with regard to the press. I think the press may continue just as free and just as licentious as Indian politicians may desire, so long as the infection does not spread to the native army. Whilst we have the native army staunch, it does not much signify what newspaper squabbles take place at the presidencies. When Earl Minto was Governor-General, he was so alarmed at certain publications which proceeded from the missionary press at Serampore, directed against the religious prejudices of the natives, that he required the press to be removed to Calcutta, though the editors were living under the protection of the Danish government. It is mentioned by Sir John Malcolm, in his History of India (1826), that for 35 years a most active circulation of inflammatory papers, in the shape of letters, proclamations and prophecies, has been made to the native troops, causing a deep impression; but owing to the difficulty of multiplying copies, the emissaries of sedition did not do much harm. Surely they should be debarred the facilities of a press, under the very eye of Government, in aid of their designs! If the native army be once tainted, the empire which we have taken

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so many years to consolidate may be lost to us in one day; and therefore I think it is of the highest importance that the native journals should be carefully scrutinized, and my opinion is that this salutary supervision was rather too much neglected in former days. I cannot speak of course as to the last five years.

989. In what languages are the present newspapers written?—In Bengalee and Persian. I believe there was one in Hindostanee. The Persian papers are accompanied by a Hindostanee version.

990. Are those languages that the sepoys generally understand?—The sepoys generally speak Hindostanee, but of course they soon pick up a knowledge of Bengalee, when quartered in the Lower Provinces. I have heard that some of the native officers understand Persian, and even English.

991. Have you understood that any ill consequences have been attributed to the existing relaxation of the press at Calcutta, so far as it has gone?—Yes.

992. Can you state in what respect?—I am bound to answer frankly. The subordination in the civil service was affected in a few instances, and I think it had a still stronger influence upon a portion of the officers of the Company's army.

993. Do you know whether the present Government of India have expressed themselves as sensible of any such ill consequences to their government?—No; I am not aware of it.

994. Does not the condition of the press at Madras at this time differ materially from its condition at Calcutta or Bombay?—Yes; I understand the censorship still exists at Madras.

995. Does it not appear to you that there should be some uniform system adopted with regard to it, throughout all the presidencies generally?—Yes; I would remove the censorship, because it is hateful to everybody; the very name disgusts people; in fact, we have gone through the ordeal, and as I said before, as long as the native army is not affected, it does not signify.

996. Does the state of society in Calcutta at present admit of trying offences of the press by the intervention of juries?—I should be sorry to throw any imputation, upon a considerable body of men, but I should not like to have a press cause before any jury in Calcutta.

997. Of what classes and descriptions of persons would such juries be composed?—Principally of European shopkeepers, and of Anglo-Indians.

998. Do you mean to the exclusion of all the civil servants of the Company?—Yes; the civil servants never sit upon juries, except when specially summoned.

999. Are they precluded from so doing by any Regulation?—No; they are not precluded.

1000. Has any experiment been made of submitting to such tribunals offences touching the press?—Yes; there was one case where the editor of the Calcutta Journal was tried for a libel upon the secretaries to Government, and the secretaries were cast. At that time disputes about the freedom of the press were extremely rife, and it was very difficult to get an unbiassed set of men as a jury. The power of venue, as in England, did not exist; we were obliged to submit to a jury who certainly thought warmly upon the subject, and taken from a class of persons who generally gave their opinion most decidedly against any interference with the liberty of the press.

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1001. In your opinion, can the present system of licensing individuals who proceed to reside in India be conveniently or advantageously relaxed?—Yes, I think so.

1002. Do you consider that in the event of the absence of all restrictions upon individuals resorting to India, any very formidable influx of needy adventurers need be apprehended?—No, I think not of needy adventurers, certainly. I do not see how they would get out.

1003. If they should get out, does India afford a possible means of subsistence to either the mere agricultural peasant or the lowest description of artizan?—I do not think that the mere agricultural peasant could compete for three months with the ryot of the country, for many seasons, on account of the cheapness with which the ryot can live, and also in consequence of the climate. It is impossible that any European could personally engage in agricultural pursuits in the climate of India; and as for the common-rate artizans, the natives of India are remarkably good workmen, and excellent imitators of patterns, and therefore I think it would be only the superior-rate artizans who could expect to succeed.

1004. Should you conceive it for the advantage of that country to encourage the resort to India of individuals possessing more or less of capital?—Yes, I think so.

1005. Are you aware of any benefit that arises from their prohibition to possess or occupy any lands in the interior?—I do not see why they should not be permitted to possess lands in the interior, provided the natives are guarded against their possible oppression.

1006. In what manner should you propose so to guard the natives?—I would make the Europeans in question amenable to the Company's courts, and the less that the Supreme Court is allowed to interfere the better.

1007. An apprehension has been expressed by some natives, in a recent petition to the House of Commons, lest by the permission of Europeans to settle in the interior they should be exposed to persecution, against which they should have no other redress than by proceeding to the presidency; are the Committee to conclude from your answer to the last question, that you see no difficulty in rendering the jurisdiction of the native provincial courts such as an European might safely be made amenable to?—I think that the complaints adverted to would be obviated, and might be remedied unexceptionably in the manner alluded to.

1008. Would it not be the direct interest of any European embarking capital in manufacturing or commercial speculation in India, to cultivate the good opinion and to secure to himself the co-operation of the natives?—It would seem to be but common good policy to do so.

1009. This then being his interest, and the protection afforded to him by the courts of justice being so improved as you propose, do any dangers occur to you as likely to result from an unrestrained admission?—I think that the class of persons who would go out to India, that is, persons with some small degree of capital, because we have excluded the lowest class, would generally be people of respectability, who would have a knowledge of their own interests, and I do not see the slightest objection to their being allowed to go into the interior, under the restrictions adverted to.

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1010. Should you say that any jealousy exists, generally speaking, in the minds of the natives as to the settlement of Europeans among them?—Yes; in their ignorance, they are naturally apprehensive of it. They have had perhaps a few persons settled among them who may have treated them with roughness and violence. I allude to the class of indigo planters; but on the whole, they have generally treated the natives with mildness.

1011. Are you of opinion, that in the event of free access being permitted to Europeans it would be necessary to furnish the existing government of India with any summary powers with respect to the residence of individuals?—I think the Governor-General can scarcely be made too powerful; emergencies might arise where the exercise of summary power would be necessary, therefore I would leave him the power of sending Europeans to England, although I think it might be accompanied with certain explanations and modifications. I think that a great deal of secret mischief may be done by an ill-intentioned man, without coming within the jurisdiction of a court of justice.

1012. You would therefore leave to the Governor-General a power of summary deportation; should you propose to do so with or without his assigning a cause for so doing, and giving the individual an opportunity of disproving, if he could, the accusations against him?—I would certainly give him an opportunity of disproving the accusations, if he could; but I think the procedure should be summary, and not be clogged by an appeal to the Supreme Court, or any other court of judicature in India.

1013. Would there be any danger, in your opinion, of the existence of such an arbitrary power disinclining men of capital from embarking under such a system? —I think not, because every well-disposed man, and every reasonable man, has no cause to fear the infliction of such a punishment as that. A man who goes to India just to prosecute his pursuits peaceably, and not to trouble the Government or other people with political dissentions or intrigues, is not likely to come under the visitation of this power; and another reason also is this, that such eagle-eyed scrutiny would be exerted over the exercise of such a power, that a Governor-General would take care to have good grounds for using it. It is also my opinion, although it may be disputed, that that power has never been unjustly exerted. I am sure myself, that if I were to proceed to India with 50 lacs of rupees, embarked in speculations of an anxious nature, I should not be afraid of trusting to the justice of the Government; I should not be afraid of being deported.

1014. Where is the power that exercises this eagle-eyed scrutiny in India?—At home.

1015. You have intimated that some modifications might be desirable; what is the nature of the modifications you allude to?—I would make the procedure a little more formal as to accusation and trial, more for the satisfaction of general opinion than from any idea that the Government in preceding instances have acted with harshness or injustice, because in every case I am aware of at Calcutta, there was a manifest infringement of the articles under which the individual came to Calcutta; he was bound by those articles to conform to the existing regulations of the Company's government, which he did not choose to conform to.

1016. Do you contemplate the probability of cases arising in which it would be attended with public danger to postpone the infliction of such a penalty until sanc-

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tioned by authorities at home?—I think, in the case of a political offence, it would be prejudicial to the safety of the state certainly.

1017. Do you think that it might not meet the exigency of almost any case that you could imagine, that until such sanction should have been received the individual should be placed under more or less of personal restraint?—I think in most cases it might certainly, but at the same time that individual, in a small society, as Calcutta still is, would be doing a great deal of mischief by remaining upon the spot for many months.

1018. Have you not known many Europeans of the poorer classes in Calcutta in a state of destitution, and objects of charity?—Yes, a good many.

1019. Have not you known any beneficial effects in respect to the administration of justice and police result from the existence of the press in India?—I do not remember any at this moment.

1020. Are you aware that so long ago as in the time of Mr. Hastings, when the press was free, he had no difficulty in obtaining verdicts from juries against editors in cases of libel?—My memory does not serve me as to that point.

1021. Should you not attribute the circumstance you have mentioned, of the strong indisposition of the juries to convict in cases of political libel, to the peculiar excitement of the time, in consequence of the controversy upon the subject that was then going on?—Yes, certainly, mens' minds were very much excited then.

1022. Has any class of the native population shown much interest in this question about the liberty of the press?—I think they have, apparently; but I suspect that they have been only instigated by Europeans in the first instance, otherwise they would have been perfectly indifferent to it.

1023. You said that so long as the native army was not affected by the press, you apprehended no danger from the liberty of it; would you therefore apprehend any danger from the entire liberty of the European press, merely subject to the common resort of the courts of law?—Yes, I should, because by degrees the poison of the European press might be communicated to the native army by means of translation and other modes. We have known very active emissaries, for instance, before the massacre of Vellore, going about with papers venting sedition and mutiny. Should Great Britain be engaged in European war, the freedom of the press would require to be considered in a new point of view, as relating to the facilities which newspapers may afford for communicating intelligence to the enemy.

1024. Have you been in the habit of reading any of the native journals?—No, I have not; I have heard their substance sometimes mentioned.

1025. Do they resemble English newspapers?—As far as I recollect, there were some few heads of intelligence that were interesting to the natives, and a good deal about literature.

1026. Was there anything in the way of political disquisition?—Not much, so far as I recollect; but that will soon follow, if it has not obtained yet.

1027. Have the native newspapers found their way into the interior?—Not many hitherto, I believe.

1028. For example, at Benares and Dacca, Delhi, and the more considerable places?—I know they have reached Delhi; I cannot speak positively as to other places.

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1029. Does your experience during the period you were secretary to the Government in Bengal, enable you to say how far the present machinery for conducting the Government in India, both in India and at home, has led to great delays in the administration of public affairs?—I think it has led to great delay in frequent instances. Familiarly speaking, I think we calculated about two years in getting an answer from the Court of Directors on general subjects.

1030. Have you known any instances in which the determination of public matters of importance has very greatly exceeded that period?—There is none in my recollection at this moment.

1031. Can you suggest to the Committee any means by which the transaction of the public business of India might be conducted with more expedition and promptitude, due regard being had to its efficiency?—Yes, I think so, by having one authority instead of two at home.

1032. You think that a single organ for administering the affairs of India at home would be preferable to a double one, as now existing?—I should think so, undoubtedly.

1033. How soon does a merchant in India receive a reply from his agent in London?—Generally within a twelvemonth, sometimes much earlier.

1034. Have you considered the present ecclesiastical establishment in India as adequate to its purposes?—Yes, I think so.

1035. You speak from your knowledge of Bengal?—Yes; the ecclesiastical department was under my office as Secretary to the Government. The number of chaplains was, I consider, adequate for Bengal. It would have been desirable to have more, so that a larger number of Europeans might have access to public worship. I mean those scattered at small stations. But the apportionment of chaplains is not to be considered with reference to the extent of our territory, but to the number of Christians who are to benefit by their ministrations, and the Government cannot in reason be required to incur a large outlay for the accommodation of a few individuals, who do not contribute towards defraying the charge. Every station where there was any considerable number of Europeans quartered or resident, had a chaplain located; the Company had built several churches where they were called for, and were building more, only they wished to incur the expense gradually. I think that the number of chaplains is as great, if the complement be kept up, (because some are absent on furlough and on account of sickness,) as can reasonably be expected, the Government paying all the expenses.

1036. What is your opinion as to the expediency of augmenting the number of bishops?—Having the misfortune to differ on this point with many excellent persons, I should distrust my own judgment, but the conviction presses most strongly on my mind that such augmentation is quite unnecessary. My reason is this, that I think the duties and labours of the bishop have been exaggerated, and that the archdeacons at the several presidencies have very little to do. I conceive that their functions might be very much increased. I was assured by Doctor Loring, the first archdeacon, that he had very little to do. The more particular charge of the ecclesiastical interests at the different presidencies might be safely intrusted with increased powers to the several archdeacons, who might (or should) control the subordinate clergy, and transact affairs connected with their department, without the

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the imposing title of bishop, under ulterior appeal in important cases to their diocesan. It would scarcely be denied that the archdeacons are competent to visit the congregations of native Christians. With respect to the alleged hardship of the visitation, in any other branch of the service, the option of taking a voyage to sea, or up the river, or making an excursion in tents, or even a long journey in a palanquin, at a proper season, would be hailed as a boon by the healthy, and as a means of renovation by the sick. Therefore, I cannot understand why so much stress has been laid upon the infliction, as it has been called, of the bishop going upon his visitation.

1037. Are there any duties of ordination to be performed by the bishop in India?—There are; but in my experience they are of very rare occurrence. Then again, as to the labour of the bishop, exclusive of the alleged toil of the visitation, he is allowed a secretary and a chaplain. This secretary both Bishop Middleton and Bishop Heber allowed to practise as an attorney in the Supreme Court, and consequently lost a great part of his assistance. The chaplains too of these prelates were generally detached on some other service, therefore the bishop was deprived, or rather deprived himself, of that aid which he was destined to receive. He certainly has, I believe, a very voluminous correspondence, but then he has deprived himself of persons who might draw up a number of letters for him, or at any rate transcribe them; and both Bishop Middleton and Bishop Heber were in the habit of copying their letters to the government with their own hands. Then again, great stress has been laid upon the danger to which persons at the time of life at which bishops usually resort to India, are exposed from the climate. My opinion is that this inference is totally erroneous and opposed by experience, and that persons at a mature age have just as good a chance of health in India, as younger ones. With respect to the remarkable and lamented mortality among the bishops, I would observe, that Bishop Middleton lived eight years in India. The immediate cause of his death was, that he went out in an open carriage rather too early, and allowed the sun to strike upon his head. Fever ensued, but in consequence of his peculiar constitution, it was found very difficult to subdue the disorder; so that it cannot be said that his death was produced by the ordinary effects of the climate. Bishop Heber unfortunately committed the great imprudence of plunging into a cold bath after being exhausted by fatigue, and allowing the stimulus of exercise to subside, which error caused apoplexy, to which he had a constitutional tendency. Bishop James, I have heard from clergymen who knew him, was by no means a healthy man in England. It has been stated in a memoir of the life of Bishop Turner, that he had for many years suffered under an internal complaint in England, for which he looked to relief in a change of climate; so that the sun of India, however noxious, cannot be justly accused of accelerating that prelate's end. I think, therefore, that the climate of India may be acquitted of the death of those four bishops to a very great extent, and that it will be apparent that a clergyman in accepting the episcopal dignity of Calcutta, entering on the enjoyment of high influence and consideration, cheered by the prospect of extensive usefulness, receiving a fair stipend, and looking to a liberal pension, does not confer, as has been insinuated, an extraordinary favour on mankind by exposing himself to an almost certain premature death. I shall rejoice accordingly, if my exposition shall in any degree

degree contribute to enlarge the sphere of selection for the high and revered station in question. If further proof were required, I might assert that India has not been inimical to the lives of chief justices: Sir John Anstruther came home after a long residence; Sir Henry Russell returned after a long residence, and is at this moment alive, I believe; there is also Sir Edward East; and Sir Charles Grey, the fourth chief justice, is about to come home, his term having expired; Judges M'Naughten, Burroughs, and Buller are now in England. Then, on the other hand, it may be said that Sir Henry Blossett and Sir Christopher Puller died in India. Sir Henry Blossett went out in a dying state, from a schirrous stomach, and survived but a few weeks. Sir Christopher Puller, it was notorious, was subject to a confirmed determination of blood to the head; and in the fever supervening upon this most unfavourable predisposition, he was for some time attended by a physician practically inexperienced in tropical disorders.

1038. What objection should you see, independent of the question of expense, to there being more than one bishop in so extensive a country, for the purpose of ordination and other purposes?—It certainly appears to me to be unnecessary, because the ordinations occur very rarely, and the few persons to be ordained can come to the bishop.

1039. Is there not this objection to there being but one bishop in India, that a great part of his time is necessarily consumed in travelling from place to place in so extensive a diocese?—He cannot travel far without coming to some place which it is desirable for him to visit; and he can always arrange as to his correspondence, which I suppose can be conducted without inconvenience. It should be recollected, the bishop is only bound to go on his visitation once in three years.

1040. Might it not be very desirable that there should be a second bishop in India, who should be able, upon the vacancy of the office, to consecrate one of the clergy upon the spot, so that he might enter at once upon the functions of the office, which might save the necessity of a journey to England?—That might be convenient, but it would not be desirable as an uniform practice to appoint a clergyman on the spot to the vacant bishopric; and if you make a second bishop, you must give him the allowances to enable him to keep up the dignity of his station. Besides, there would be a division of rule, perhaps; in fact, in the present infancy of the establishment it does not appear to me to be necessary. I think the archdeacons could perform the functions just as well, and the Company or the government would be saved many thousands of pounds a year, both in salary and in pension. At all events, the public finances should not be burthened with the expense of two additional bishops; but if the Christian community in India should urge the appointment of a more numerous hierarchy, they might reasonably be required to contribute to its maintenance.

1041. What objection do you see to the archdeacons being enabled to perform the functions of the bishop with the same salary that they now receive?—The Government can by Act of Parliament delegate to them certain functions of the bishop, while the episcopal station is in abeyance; and I can see no objection to their powers being extended even while the bishop is in the discharge of his own functions, provided they continue, as before, subordinate to the bishop, receive no additional allowances, and do not assume the prelatical title. The establishment of

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of chaplains is too small to justify any increase of dignitaries. It appears quite disproportionate to have a bishop for 35 chaplains in Bengal, a bishop for 34 at Madras, and a bishop for 25 at Bombay.

1042. Of the Europeans in India, is there any considerable proportion presbyterians?—Yes, a good many at the presidency.

1043. What sort of proportion of the Europeans in Calcutta do you think?—There are a good many Scotchmen at the presidencies, and they are generally presbyterians; they have a church of their own, for which the Government send out and pay a chaplain.

1044. Have they not a presbyterian establishment at each of the presidencies?—Yes.

1045. Are there many Catholics among the Europeans?—Very few, except among the European soldiers, the majority of whom are generally Irish; they are allowed access to a Catholic priest. The Government pay the salary of a Catholic priest at one or two stations.

Veneris, 16° die Martii, 1832.

Sir JAMES MACDONALD, Bart. in the Chair.

JAMES SUTHERLAND, Esq. called in and examined.

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1046. WHEN did you return from India?—In April last.

1047. From Calcutta?—Yes.

1048. How were you occupied principally during your residence in Calcutta?—Chiefly in connexion with the press.

1049. During what period were you connected with the press?—I was for some time in the year 1818, again in 1823, and subsequently for the last four or five years of my residence.

1050. Were you yourself editor of any paper published there?—I was editor of several publications, and for the last three years editor of a daily journal, the Bengal Hurkaru or Messenger.

1051. When was it first established?—I cannot tell at this moment; it was a great many years ago.

1052. How many English newspapers are published in Calcutta?—I have a list of the papers published in the beginning of the year 1831, which, with the permission of the Committee, I will put in.

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The PRESS of INDIA in the beginning of the Year 1831.

CALCUTTA.

		Publisher.
	ENGLISH NEWSPAPERS:	
Daily	The Bengal Hurkaru and Chronicle	Samuel Smith & Co.
	The John Bull	Geo. Pritchard.
	The India Gazette	J. B. Scott & Co.
Tri-weekly editions of the daily papers of the same name	The India Gazette	J. B. Scott & Co.
	The Bengal Chronicle	Samuel Smith & Co.
Twice a week	The Government Gazette	G. H. Hutman.
	The Bengal Herald	Samuel Smith & Co.
	The Calcutta Literary Gazette	- - Ditto.
	The Oriental Observer	Geo. Pritchard.
	NATIVE NEWSPAPERS:	
	The Janri Jehan Numa	Hurryhar Datt.
	The Summachar Chunduca	Bhowanichum Bannerjee.
	The Sunbad Tuneer Nassuk	Kistnomohun Doss.
	The Bunga Doot	Bholonauth Seen.
	The Sunbad Coumoody	Gobind Chatterjee.
Monthly Publications:		
The Calcutta Magazine		Samuel Smith & Co.
The Gleanings of Science		W. Thacker & Co.
The Kaleidoscope		J. J. Fleury.
The Christian Intelligencer		Church Mission Press.
Quarterly:		
The Bengal Army List		Samuel Smith & Co.
The Army List H. M. Forces in India		- - Ditto.
The Calcutta Quarterly Register		J. B. Scott & Co.
Yearly:		
The Bengal Annual		Samuel Smith & Co.
The Bengal Souvenir		- - Ditto.
The Bengal Almanack		- - Ditto.
The Companion, and Appendix to Do.		- - Ditto.
The Bengal Directory		- - Ditto.
The Calcutta Directory		J. B. Scott & Co.

With the exception of the Bengal Hurkaru press, at which alone no less than 14 periodicals, daily, tri-weekly, monthly, quarterly and annual, are published, (including four political and literary journals,) all the presses at which the other publications enumerated above are published, and several others, undertake general printing, and

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and there are printed several Advertisers, Price Currents, &c., and occasionally books and pamphlets.

1053. Are you aware whether any other English journal has been published since you left Calcutta?—There have been several since I left Calcutta, journals published in English; one is called The Reformer, conducted by a native, and published by natives; The East-Indian, conducted by a gentleman of the class of Anglo-Indians; The Enquirer; and also, I believe, The Hesperus.

1054. Whom do you understand by the Anglo-Indians?—Generally, the children of British fathers by Asiatic mothers, and all Christians who are not British-born or aboriginal.

1055. Whom do you understand by the term half-caste, as familiarly used in India for the last 60 years?—The same classes.

1056. Applying them equally to the descendants of Portuguese, Dutch and French, as well as of English parents?—Applying to all who are not aboriginal or European. I would desire to place it on record that I consider the word half-caste as offensive and improper.

1057. Do you possess any documents by which could be shown to the Committee, or can you from recollection state to the Committee, the numbers of each of the papers published at Calcutta in the native languages simply, or in the native and English languages?—I have not any accurate information as to the circulation of the the native papers, but I can give a good idea as to that of the English newspapers.

1058. In what language are the native journals published?—All Bengalee, with one exception, which is a Persian paper. There was formerly an Hindostanee paper. About 3,000 is the circulation of the English papers.

1059. Including the tri-weekly as well as the daily papers?—Yes; the number includes the entire circulation, but it is rather a low estimate.

1060. Can you state what number of newspapers or periodicals are published at the other two presidencies?—There are three English newspapers published at Madras: The Government Gazette, The Madras Gazette, and The Madras Courier.

1061. At Bombay?—At Bombay two: the Bombay Gazette, and the Courier.

1062. Is there any native paper at Bombay?—There is, I believe, a Gujerattee paper.

1063. At Prince of Wales Island or Singapore?—There is a newspaper at Singapore, and one also at Malacca. At Penang, the Gazette, I believe, has ceased.

1064. At Canton?—At Canton there are now two.

1065. Have you seen the official return that has been published of the newspapers in India?—I have seen such a return copied into the newspapers only.

1066. Did it appear to you to be accurate as far as it went?—No, it was inaccurate in many particulars. In the return of papers for 1830 there are many inaccuracies.

1067. Have you the means of stating what portion of the papers, whether native and English, or English only, are subscribed for by natives, and what portion by Europeans?—I have no certain means of answering that question; but my impression is, that the number of natives who subscribe to papers published by Europeans in English is extremely limited.

1068. With

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1068. With respect to papers published in the native language, do you mean that the circulation in that case is confined to the natives exclusively?—Almost exclusively.

1069. Can you state what portion of the 3,000 papers are subscribed for by natives?—That number totally excluded natives.

1070. That is totally excluding the native press?—Yes.

1071. Under what regulation practically is the Calcutta press at this time? How is the press at present conducted?—Every paper is published under a license from Government, revocable at pleasure, with or without inquiry or notice.

1072. Do you mean with or without assigning reasons?—Yes, with or without assigning reasons.

1073. Has this regulation ever been acted upon; and if so, at what period?—It was first acted on in the case of the Calcutta Journal in the year 1823; that paper having been suppressed under that regulation.

1074. Was it acted on in any other instance you are aware of?—In another case, that of the Calcutta Chronicle in the year 1827.

1075. Can you state from your own personal knowledge the particulars of these two acts of suppression?—Yes. I have no copy of the official correspondence in the first case, but I was attached to the paper at the time. I recollect that it was ostensibly suppressed for the insertion of a pamphlet of Colonel the Hon. Leicester Stanhope, published in England, on a free press in India.

1076. Were they suppressed with or without any reasons assigned?—The reason assigned in the first case, to the best of my recollection, was the republication of the pamphlet in question; I beg to state, however, that I speak entirely on this point from memory, I have no document by me at present to refer to.

1077. Were you connected yourself with either of the publications at the time of the suppression?—With both.

1078. What was the reason in the case of the Calcutta Chronicle?—I have a copy of the official correspondence in the case of the suppression of the Calcutta Chronicle, but no specific reason was assigned; the general tenor was stated to be objectionable.

1079. I think it was stated by you in the case of the Calcutta Journal, the reason assigned was the republication of the pamphlet of Colonel Stanhope?—Yes, I think that was the principal reason assigned; the official letter may have referred to other publications.

1080. Will you explain what you mean by *assign*? Do you mean formally notified by the Government to the proprietors?—I mean it was adverted to in the letter suppressing the paper.

1081. Do you recollect whether that was the sole ground stated in the letter?—I do not at this moment distinctly recollect.

1082. But it was your own impression at the time that that was the real cause of its suppression?—Not that it was the real cause. My own impression was, that the law itself had been made with the express view of putting down that paper.

1083. How long previously to the suppression had that Regulation been made?—It came into operation a few months previously.

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1084. Was that prior or subsequent to Mr. Buckingham's transmission?—Subsequent to Mr. Buckingham's transmission.

1085. With respect to the suppression of the Calcutta Chronicle, was it ever ascertained on what grounds that suppression took place?—The Government, although respectfully solicited to state the grounds, refused to do so; but it was privately stated to have been suppressed for a paragraph, of which I have a copy here; the substance of the paragraph contained a suggestion, that if the Government should prosecute a certain firm in Calcutta with a view of making them the "scapegoats," as it was called, in the case of the Stamp Act, that the community should indemnify them for the loss likely to be entailed on them thereby.

1086. Have you a copy of the official correspondence?—Yes, I have.

[*The Witness delivered in the same, which is as follows:*]

"To Mr. *William Adam* and Mr. *Villiers Holcroft*, Proprietors of the Calcutta Chronicle.

"General Department:

"Gentlemen, Council Chamber, 31st May 1827.

"The general tenor of the contents of the Calcutta Chronicle having been for some time past highly disrespectful to the Government and to the Honourable the Court of Directors, and that paper of the 29th instant in particular, comprising several paragraphs in direct violation of the Regulations regarding the press, I am directed to inform you, that the Right honourable the Vice-President in Council has resolved that the license granted to you on the 25th January last for the printing and publishing of the Calcutta Chronicle be cancelled, and it is hereby cancelled accordingly from the present date.

"I am, Gentlemen, your obedient servant,

"*C. Lushington*,

"Chief Secretary to the Government."

"*Charles Lushington*, Esq., Chief Secretary to the Government.

"Sir: "Calcutta, 31st May 1827.

"I have the honour to acknowledge the receipt of your letter of this date, informing me that the license of the Calcutta Chronicle is cancelled by the Right honourable the Vice-President in Council.

"As his Lordship in Council has not seen fit to indicate the particular articles or paragraphs that have brought upon me this heavy expression of his displeasure, I am at a loss to know wherein my offence consists, what are the violations of the Press Regulations to which his Lordship refers, or in what respects the general tenor of the paper has been considered as highly disrespectful to the Government, and to the Honourable the Court of Directors.

"I beg to call to the recollection of his Lordship in Council, that the rules attached to the Press Regulation are expressly declared to impose no irksome restraints on the publication and discussion of any matters of general interest relating to European or Indian affairs, provided they are conducted with the temper and decorum which the Government has a right to expect from those

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living under its protection; neither do they preclude individuals from offering, in a temperate and decorous manner, through the channel of the public newspapers or other periodical works, their own views and sentiments relative to matters affecting the interests of the community. With profound deference to his Lordship in Council, I beg to state, that in offering my sentiments relative to matters affecting the interests of the community, I am not conscious of having transgressed the bounds here prescribed.

"I beg respectfully to submit, for the consideration of his Lordship in Council, that in every former case of suppression several previous admonitions have been given, whereas in the present case, although I am informed that the general tenor of the contents of the Calcutta Chronicle has been considered for some time past highly disrespectful, yet the withdrawal of the license is sudden and unexpected, and has not been preceded by any authoritative warning, to which it would have been at once my duty, my interest, and my inclination to attend.

"Knowing the difficulties and dangers that beset the path of an Indian editor, I was originally induced to allow my name to be sent in to Government in that character with extreme unwillingness, which was vanquished chiefly by the hope of being instrumental in saving from destruction the property of a poor man, vested in a paper that had incurred the displeasure of Government in that case, and subsequently encouraged me to embark property on my own account in a similar concern. I venture to hope that an engagement thus commenced for the benefit of another will not be terminated by the fiat of his Lordship in Council, to my great loss, without any premonition for my guard and guidance.

"I have only to add, that should his Lordship in Council be pleased to extend to me the same consideration which has been bestowed upon others in similar circumstances, it will be my earnest endeavour to avoid whatever may appear likely to be deemed a violation of the Press Regulations.

"I have the honour to be, Sir, your obedient servant,

(signed) "*W. Adam*,

"Sole Proprietor of the Calcutta Chronicle."

"To Mr. *William Adam*.

"General Department:

"Sir: Council Chambers, 1st June 1827.

"Your letter of yesterday's date having been laid before Government, I am directed to inform you, that the Right honourable the Vice-President in Council does not think it necessary to make any more specific reference to the objectionable passages contained in the Calcutta Chronicle of the 29th ultimo than was done in my communication of yesterday.

"2. I am desired to add, that the remainder of your letter requires no other reply than that the warnings publicly given to other editors were sufficient for your information, and that Government does not see fit to accede to your application for permission to continue the publication of the Calcutta Chronicle.

"I am, Sir, your obedient servant,

(signed) "*C. Lushington*,

"Chief Secretary to Government."

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1087. Do you mean that no previous communication had taken place between the Government and the editor prior to this?—None whatever.

1088. In the absence of any declaration on the part of the secretary of the Government as to what were the objectionable paragraphs contained in the paper, what was your own impression as to what those paragraphs were?—I found it extremely difficult to form any idea on the subject, from the variety of matter which was introduced into one day's paper; a great variety of topics being discussed in each number renders it impossible.

1089. Your attention was recalled to a particular number?—The number of the 29th May; I think it was in that number that the paragraph which I have mentioned appeared, and which was afterwards privately pointed out as the paragraph that gave offence to the Government.

1090. You stated that it was privately intimated to you afterwards what the objectionable passage was; do you mean that it was intimated to you by a private friend?—Yes, by a private friend.

1091. Not from authority?—No, not from authority.

1092. You, in fact, then never had reason to know what were the grounds of the suppression?—Nothing beyond that private intimation.

1093. The last letter of the chief secretary adverts to warnings publicly given to other editors, which he conceives would be sufficient for your information; what was the nature of those public warnings?—They had called the attention of other editors to certain articles which had been deemed offensive by the Government.

1094. Where and to whom were those warnings given?—In Calcutta, given to the editor of the Bengal Chronicle.

1095. Publicly?—Officially.

1096. To whom were they addressed?—To the proprietor.

1097. What was his name?—Monte de Rosario.

1098. Were not those warnings matters of public notoriety?—They were published in the newspapers of the day.

1099. Had they any effect on the editor of the paper in making him more cautious in his publications?—That paper never was suppressed.

1100. Then may it be inferred that they had that effect on the paper?—It is difficult to say, because a change in the Government occasioned in several instances a change in the policy towards the papers.

1101. Was the Government changed at this period?—It was.

1102. In the case of Mr. Buckingham, were any warnings given to him officially?—Yes, several.

1103. Was his conduct altered in consequence of them?—I believe so. In consideration of his own interest he must have endeavoured to frame his conduct according to the wishes of the Government, but that he did not succeed is apparent, inasmuch as he was first transmitted, and the paper subsequently suppressed.

1104. Is it within your knowledge at what date the present Regulations affecting the press at Calcutta were made; are they coeval with the supreme authority of the English in Bengal?—By no means; the Regulations under which it is now conducted were enacted in 1823.

1105. Was

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1105. Was not the press always under some restrictions ever since the English authority was established in India?—No, it was not; in the time of Warren Hastings it was as free as it is now in England.

1106. On the occasion of the suppression of the two papers in question, was there any loss of property sustained by the proprietors?—In the first a very enormous loss.

1107. At how much do you estimate that loss?—I should say it had not been overrated at 40,000 *l.*

1108. How do you estimate that; was it divided into shares?—It was divided into 400 shares, 200 of which were offered for sale, and upwards of 90 of them readily sold at that valuation prior to Mr. Buckingham's transmission.

1109. The Calcutta Chronicle was only a three-times-a-week paper; what was the loss on the suppression of that paper?—I should say, on a low valuation, 1,000 *l.*; it had only been established four months.

1110. How many persons have been transmitted from India during your residence there for offences against the press?—Two from Calcutta and one from Bombay.

1111. Is the case of Bombay that which ultimately came before a court of law in this country?—Yes; Mr. Fair.

1112. To what extent then, under the Regulations, does the liberty of the press practically exist in Calcutta?—It entirely depends on the views of the Government for the time being, whatever those may be. Under the administration of Lord William Bentinck, a very great latitude is allowed to it; it is virtually as free as it is here in fact.

1113 How did it stand during the time of his immediate predecessor, Lord Amherst?—In the early part of Lord Amherst's administration it was extremely limited; indeed Lord Amherst transmitted one editor, and suppressed the Calcutta Journal; but in the latter part of his administration his Lordship never interfered with the press at all while he was on the spot.

1114. Does not his policy with respect to the press seem to have undergone some change during his administration?—Yes, some considerable change.

1115. During the absence of Lord Amherst in the Upper Provinces was there any change perceivable in the liberty of the press?—It was during his Lordship's absence that the Calcutta Chronicle was suppressed; there was an immediate change on his Lordship's departure.

1116. Did anything transpire publicly to mark his Lordship's sense of that suppression one way or other?—Not at all.

1117. What were the general objects of discussion in the English newspapers at Calcutta?—Revenue, police, judicature, colonization; but also a very large infusion of strictly European politics.

1118. Had the editors numerous correspondents, and if so, of what class did they consist?—A great many; chiefly Europeans and Anglo-Indians, and some natives also.

1119. Are not the civil servants prohibited from engaging actively in the papers at Calcutta?—There was some order of the kind published some years ago, but they still do correspond very largely with the press, both civil and military servants of the Company.

1120. What

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1120. What was the circulation of the Bengal Hurkaru when you left that country?—In all its editions it circulated upwards of 1,500.

1121. That is to say, in its tri-weekly editions?—The three editions circulated upwards of 1,500; that of the daily alone was 800.

1122. Of whom did your subscribers consist; were there any natives among them?—Very few natives.

1123. What is the price of the daily paper at Calcutta?—About 7 *d.* sterling.

1124. Is there any stamp duty?—None. There is a postage charged.

1125. What was the monthly subscription?—The monthly subscription is eight rupees, or 64 rupees by the year, if paid in advance.

1126. Are the expenses of paper and printing heavier there than they are in England?—Considerably.

1127. From what cause does that arise?—We have to import our paper, ink types, presses, &c. from England.

1128. What was formerly the price of newspapers at Calcutta, do you know?—Formerly, I believe, they were all weekly journals; the price was then four rupees a month.

1129. By what means was the price reduced?—By active competition, in which Mr. Buckingham took the lead.

1130. What class of persons do you employ as printers and compositors? Portuguese of the country and Hindoos.

1131. Native Christians?—No, Portuguese and Hindoos.

1132. Are they expert in their business?—Very expert.

1133. The Hindoos, pray how do they perform their parts?—When it is considered that many of them do not read English at all, with surprising expertness.

1134. What number of persons in all are employed on the Hurkaru press?—Probably 50 or 60 in the publication of the newspapers alone; I have no means of knowing accurately.

1135. Of the native press, what are the topics that are principally discussed?—They now discuss questions of government, jurisprudence, revenue and police; and religion some of them discuss very largely.

1136. Of your 800 subscribers, what number may have been resident in Calcutta?—More than half.

1137. What impediment is there to the circulation of the newspapers in the provinces?—The postage.

1138. Is the postage as heavy now as it was formerly?—Lord William Bentinck has made a very considerable reduction in it; formerly it was charged nearly as a letter postage, now there are two fixed rates; two annas to all places within a certain limit, and four annas to all places beyond that limit.

1139. What was the largest amount paid to Government by that postage?—One journal paid by contract to the Government 3,000 sicca rupees a month, or 300 *l.*, under the old system.

1140. Has the reduction in the postage increased the sale of the newspapers?—Considerably. That of the Hurkaru has increased: I am not sure that it has been so with the other newspapers.

1141. To what extent?—Probably 200 or 300.

1142. Has

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1142. Has the reduction produced any defalcation in the revenue?—I imagine not, because it was agreed that the proprietors of newspapers should be responsible for such defalcation, if any occurred, and no claim has been made upon them, therefore I suppose there is no defalcation.

1143. Do you know what amount is derived from that source for the conveyance of newspapers?—I should think one-tenth of the whole post-office revenue, about 70,000 rupees.

1144. By the year?—Yes.

1145. Is there the same rate of postage at Madras and the Bombay presidencies as at Bengal?—No, the old rates are retained, and they are very heavy.

1146. Can you speak to what they are?—The postage of a paper from Madras to Calcutta, for example, is one rupee 14 annas; one rupee seven annas from Madras to Ganjam, and seven annas from Ganjam to Calcutta. Under the present Regulations the postage from Ganjam to Calcutta would be only four annas.

1147. The Madras rate of postage would appear to be more than double that of Bengal?—A great deal more.

1148. During your connection with the periodical press have you known any instance in which writings have been charged as having a tendency to promote sedition or revolt among the native troops?—I am not aware of any instance of the kind.

1149. What benefit do you suppose to have arisen from the free discussion of the press in Bengal?—I think it has acted as a check on the conduct of public functionaries, and occasionally led to very useful investigations.

1150. What reason have you for supposing that it operates as a salutary control on any of the functionaries at Bengal?—I imagine they all stand in awe of that public constituted by the Europeans, in the service and out of the service, a large body of Anglo-Indians, and a number of intelligent natives in Calcutta.

1151. Has the press on any occasion within your experience been rendered available for the defence of public functionaries when attacked?—Very frequently; they have frequently availed themselves of it against attacks made on them through the same channel.

1152. Do any particular instances of this nature occur to you?—I cannot at this moment recal any particular instance. I remember one instance in which a gentleman in the civil service was charged with having compelled a rich native to lend him his boat. The Sudder or Supreme Company's Court of Calcutta wrote to request the name of the author of this attack, which was given to them, and an investigation ensued, by which, I believe, the conduct of that servant was exculpated.

1153. Since the relaxation of the press in Bengal under Lord William Bentinck have you heard any allegation of specific mischief in any instance having arisen to the Government from that relaxation?—I recollect none, except in a rival paper; perhaps, in discussion with rival papers, they endeavoured to make out that the relaxation of the press was dangerous to the Government; but I know of no specific instance that can be produced.

1154. When you spoke of the relaxation of the restrictions on the press on the part of the existing Governor General, do you mean the Committee to understand

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that the same power of transmission from India which has been exercised in former instances is not at this moment held over the press and its conductors exactly as before?—Precisely the same state of law exists.

1155. Then what do you understand by the term relaxation under the later government of Lord William Bentinck?—I mean, practically, that his Lordship has never interfered with the press, and that it has been privately understood he never will do so.

1156. You have stated in your own experience in India you have known three instances in which persons were transmitted from India?—Yes.

1157. Does your experience, or does your knowledge historically, enable you to state to the Committee any, and how many, further instances at any preceding period?—I am not aware of more instances historically recorded of transmission for offences of the press.

1158. Then in the course of all that you know, personally and historically, you can state to the Committee only four instances in which this power of restricting the press by transmitting from India the conductor of a periodical work has been enforced by the British Government in any of the presidencies?—Only four instances in which the press has been restricted by that means.

1159. In one of those instances which you have specified, the case of Mr. Fair at Bombay, the party applied to a court of law in England to receive compensation for the injury sustained by him in consequence of such transmission, can you state to the Committee what was the result of such trial?—To the best of my recollection, Mr. Fair was too late in bringing on his case, there was a technical objection taken, I think he was defeated on that ground.

1160. Can you state to the Committee generally at what period the press was restricted for the first time to the class of restrictions under which it is now subjected in Bengal?—In point of fact, it is under two restrictions at this juncture the one the law of transmission, the first enactment of which I do not positively recollect, but it was long prior to the date of the present Charter; the second was enacted in 1823.

1161. What was the second class of restrictions to which in your last answer you have referred?—The licensing regulation of the late Mr. Adam, as Governor General

1162. Reference as been made to the case of Mr. Fair; upon what ground was he transmitted from Bombay?—For an alleged misrepresentation of the proceedings of the Supreme Court.

1163. Was the paper he edited his own property?—It was in part, if not entirely, the property of one of the secretaries to Government, Mr. Warden.

1164. What took place with respect to him?—Sir Charles Harcourt Chambers, one of the King's judges, conceiving the Government to be responsible for this misrepresentation, inasmuch as the paper was the property of one of their principal confidential servants, complained of it, on which the Government called on Mr. Fair to make an apology, and on his refusing to do so he was transmitted to England *via* China.

1165. Under what Government Regulations is the press at Bombay conducted?—There is no Regulation for the press at Bombay, but it is restrained by the terror of the law of transmission, I apprehend, applicable to Englishmen.

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1166. Do the same Regulations that exist at Calcutta exist at Bombay?—No; the same Regulation was proposed at Bombay, but the judges unanimously rejected is as "repugnant to the laws of the realm," in the words of the Act of Parliament.

1167. Was that decision not in contradiction to a decision of the Privy Council?—It was; but the judges of the court did not conceive themselves bound by the decision of the Privy Council.

1168. When the Regulation was registered at Calcutta do you know how many judges were on the bench?—Only one, Sir Francis M'Naughten, a puisne judge.

1169. Were you present in court yourself at the time?—I was, and reported the whole proceeding.

1170. What took place on that occasion?—Counsel were heard againt the Regulation on the part of the proprietors of several journals there, and also on the part of some enlightened natives on behalf of their countrymen; but the judge stated in the course of his judgment that he had previously promised the Government to sanction some such Regulation.

1171. The Regulation refers to the licensing and not to the power of transmission?—To the licensing.

1172. Who were the judges at Bombay who refused to register the Regulation of the Government?—Sir Edward West, chief justice, Sir Charles Harcourt Chambers, and Sir Ralph Rice.

1173. Did the other judges at Calcutta dissent from the opinion of Sir Francis M'Naughten?—There were no other judges at the time, he was alone on the bench.

1174. What are the Regulations respecting the press at Madras?—It is under a rigorous censorship.

1175. Who is the censor?—Generally one of the secretaries to Government, I believe, the Chief Secretary.

1176. Is the censorship usually acted upon?—Constantly. There have been repeated instances of articles rejected in the Madras papers having been sent up to Calcutta, and published there.

1177. What is the form adopted as between the publisher and the censor?—The paper is sent to him in proof, and he strikes out anything that he disapproves of, either original or select.

1178. Have you known instances of considerable omissions in consequence?—Several. The first I recollect is that of the proceedings of a meeting assembled to address the Marquis of Hastings in 1818; the censor forbade them to be published, and they were sent up to the Calcutta Journal and inserted in it.

1179. The Marquis of Hastings being Governor General?—Yes. The first instance in which I ever heard of it was a letter of the late Princess Charlotte, written on her death-bed to her mother.

1180. Does the censorship extend to European politics as well as Indian matter?—Even to Parliamentary debates.

1181. Can you produce any examples of rejected articles rejected by the censor at Madras, which have been forwarded to you at Calcutta for publication?—Yes, I have one here, inserted in the Bengal Hurkaru of the 29th of July 1820.

1182. In the event of an omission being made by the censor, how is the vacuum filled up?—Generally by lines of stars or asterisks.

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1183. Then the Committee is to understand that, excepting only the power of deportation, which is common to each of the three presidencies, the presidencies are practically under Regulations each distinct from the other?—Yes, each distinct from the other.

1184. The censorship depending altogether on the judgment and discretion of the individual filling the office of Secretary to the Government, it is presumed that great variations and fluctuations would take place as to the manner in which the duties of the censorship are from time to time discharged?—Very great; they must depend on the views of the person exercising it for the time being.

1185. What Regulations, according to your view, would it be expedient to make for the press, due regard being had to the safety of the British empire in India?—I see no reason why the press in India should not be left as perfectly free, subject to the control of the laws, as it is in Great Britain itself; on the contrary, I think that freedom is attended with even less danger, if possible, in India than in Great Britain.

1186. State to the Committee the grounds on which you form that opinion?—I conceive that the press for the present, and for a very long time to come, can only operate on the minds of the English, Anglo-Indians, and the natives very considerably enlightened; that if the Government desire to have the good opinion of such men, which I presume to be cherished by all public functionaries, the natives in general in India would enjoy the advantages of a free press without being aware of the instrument by which they are benefited, or even capable at present of understanding it. I would appeal also in support of that opinion to the fact recorded in Indian history, that in the time of Warren Hastings, certainly the most critical period of our empire in India, the press laboured under no other restrictions than the law of England, which was found amply sufficient to check its licentiousness. I have had an opportunity of referring to the earliest paper published in Bengal, and it was violent, and even scurrilous in the extreme, in its attacks on public men; but the law in that case was found sufficient to suppress it, by subjecting the editor to numerous and heavy fines.

1187. Were the fines enforced by prosecutions for libel?—By prosecutions for libel in the Supreme Court, and the verdicts of juries.

1188. Do you think that writings of such a description would be tolerated in the present state of society in India?—No such writings as those contained in the earliest paper published in Bengal would now be tolerated one day, according to the present taste of the community in India.

1189. Was it the enforcement of the English law of libel that was found sufficient to put it down?—Yes, the English law of libel.

1190. Did not Mr. Hastings obtain various verdicts from successive juries?—He obtained various verdicts against Mr. Hickey, the proprietor of that paper alluded to, Hickey's Gazette; and when that Governor left Bengal, he held a bond of Mr. Hickey's, which he generously cancelled on leaving the country, a bond for these fines, amounting to 3,000 *l.*

1191. Has not the circle from which juries might be taken considerably enlarged in Calcutta since the time of Mr. Hastings?—Very much in all classes.

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1192. What difficulty, in your opinion, exists in jury trials for offences of the press at Calcutta?—I know of none. I have heard of fears expressed by legal men that there might be a difficulty of obtaining verdicts under the existing system.

1193. Do you mean that you have heard apprehensions expressed of an indisposition in the classes of whom jurors are composed?—Yes.

1194. With respect to the system or to British dominion?—To the system alone, certainly not to the British power; that would be a very unreasonable supposition.

1195. Were the verdicts which were gained by Warren Hastings for attacks on his political character?—For attacks on his public and private character, and on that of the naval commander-in-chief.

1196. Not for political articles, not for articles on Indian politics?—Yes, for strictures on his public conduct, and on that of the naval commander-in-chief, and so on.

1197. Would you find a strict resemblance either as to the society or as to British dominion between the present time and the time of Warren Hastings?—On the contrary, no resemblance whatever; the advantages are all in favour of the latter period.

1198. No natives at that time read English newspapers?—Very few, I imagine, then.

1199. There was no considerable class of what are called Anglo-Indians?—Not many.

1200. Therefore the newspapers printed in English were principally read by the servants of the Company?—Principally by the servants of the Company.

1201. Was there at that time any very great class of commercial persons unconnected with the East-India Company?—No, certainly very few; the monopoly effectually prevented that.

1202. Under what restrictions is the native press conducted at Calcutta?—Precisely the same as the English press, with the exception of the law of transmission, applicable to Englishmen alone, or British-born subjects.

1203. How is it in Madras?—The native papers?

1204. Yes?—There are no native papers.

1205. Do you know whether the Regulations are the same for the Bengal papers in Calcutta and in the provinces?—In the provinces the penalties are more severe, amounting to confiscation of the types and presses in some cases.

1206. For breach of Regulation?—Yes.

1207. Then there are papers printed in the provinces of Bengal?—I am not positively aware of the fact; I have heard that there is one, and I know there is a press at Cawnpore, but I cannot say that there are native papers published there.

1208. In the event of the paper being published after the Government has notified the cancelling of the licence, what is the result?—The fine of 400 rupees for each publication, levied by summary process by the magistrates of Calcutta, which magistrates hold their appointments at the pleasure of the Government.

1209. Now what will be the state of the native press of Bombay?—Perfectly free I should say.

1210. More than the English press?—Yes. I would observe, of late there has been a very great latitude of discussion permitted in Bombay; I have seen very

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recently a discussion about the princess of Kittoor, who died under confinement by the Company's authorities.

1211. You have seen that case freely canvassed?—Yes.

1212. In the event of the financial accounts of India being published for information as they are now in England, do you conceive it would excite interest, and be productive of discussion or otherwise?—It would excite very great interest, and lead to many useful suggestions.

1213. Since your first acquaintance with the natives of Calcutta, has English education made any progress?—Very great progress indeed.

1214. Does there appear to be a growing disposition to approximate to English manners?—Very great; and the number who speak English has wonderfully increased.

1215. Would that apply more to the rising generation?—To the young men, and the rising generation more: it is indicated in the institution of literary societies, and the increase of native schools for teaching English.

1216. You refer to schools instituted by the natives themselves for that purpose? —Yes.

1217. Do you consider that this has led to make any impression among any of them in the superstitions of their religion?—I conceive that very few of the great number of the well-educated Hindoos any longer adhere to the superstitions of their countrymen in former days, whatever they may find it convenient publicly to profess.

1218. Do you allude to your residence at Calcutta principally?—Yes.

1219. Are those persons of respectability or of the lower classes?—Educated and respectable persons, persons much in habits of association with Europeans; at Benares also the natives presented Lord William Bentinck with an address of thanks on his abolition of the rite of suttee.

1220. To what do you ascribe this growing change in the character of the natives?—In the first instance, to the opening of the trade, which has led to a vast increase of European association, which has produced that improvement that, I believe, it has been remarked to have done everywhere else. In the instance of China, it was observed that the people of Canton were infinitely more intelligent than the inhabitants of the interior, where there had been no intercourse with Europeans.

1221. Is it your opinion that the increase of this intercourse, and the extension of education, are the most probable means of effecting ultimately any degree of conversion among the natives, among the Hindoos?—I should say the only probable means.

1222. Are there any native literary societies established at Calcutta?—There are several, I believe; I attended only one.

1223. What class of persons resort to them?—Respectable Hindoos; young men principally.

1224. At the meeting you state yourself to have attended, what question was discussed?—A very able paper on the British constitution, written by a Hindoo, was read, and some discussion ensued on it in English.

1225. Do the Hindoos of Calcutta prefer the English literature to the Sanscrit? —Most decidedly. I have been in company with fourteen or fifteen of the youths

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educated at the College, and their conversation turned entirely on the merits of English literature, on the poetry of Pope, Dryden, and other writers; they have all a great ambition to learn the English language, and to acquire a knowledge of English literature.

1226. Are you of opinion that means might be taken for disseminating much more largely the English language throughout India?—Yes, I think means might be taken, by the introduction of that language as the language of the courts in the interior. I think also that the sepoys in our army might be taught to speak English, and I have heard Lord William Bentinck is attempting something of the kind.

1227. What opinion do you entertain of the capacity of the Hindoos?—I think they have great natural capacity.

1228. Should you say they are trustworthy?—I think those who are educated and those who have the advantage of European intercourse, are as trustworthy as any men in the world. With regard to those who are not educated and have not the benefit of that intercourse, they labour under the disadvantage of a superstition which inculcates falsehood as a virtue sometimes.

1229. Is there any improvement which strikes you as easy to be made in the native schools of India in teaching the English language?—No, I am not aware of any, except that a great number of translations into English of elementary works, on the physical and useful sciences in particular, might be an advantage.

1230. Could Government at a small expense increase the facilities of the natives acquiring English in the schools?—I imagine they might at a very trifling expense; for I believe the natives themselves are generally disposed to assist in the effort to instruct the rising generation.

1231. Would that be sufficient without the assistance of the Government?—It would require the encouragement and assistance of Government also.

1232. Are the Indo-Britons a numerous class at Calcutta; at what do you estimate their number?—There are a very great number congregated at Calcutta; but I consider the estimate which has been formed is very greatly overrated; I cannot conceive the number can exceed 5,000 or 6,000.

1233. Is the number increasing?—It is increasing.

1234. Do you think a little more extended intercourse with India would be likely to increase the number in Madras of the Anglo-Indians?—I should think it would. I should say that the shades of distinction, however, would decline: in the case of a European marrying an Anglo-Indian lady, for example, the shades of distinction would be almost lost; their children could not be distinguished from those whose parents were both Europeans.

1235. What degree of English education do they possess, and what capacity have you observed them to enjoy, for the transaction of public business?—There are very many clever men among them, and they are found extremely useful and skilful in the public offices, in which they are chiefly employed.

1236. Have you personally known any of them well educated?—Several extremely well educated; but they feel the disadvantage which they labour under; the exclusion from civil and military employment, and the first society, is felt as invidious.

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1237. Have you any doubt of the policy of maintaining that distinction?—I should say it is very impolitic; I consider that it is sowing the seeds of disaffection among a body otherwise extremely well disposed to the British power.

1238. Have they also latterly instituted any societies in Calcutta?—They have several societies.

1239. Have you attended any of them?—I have attended one or two of them; the discussions were of a literary nature; I do not at this moment recollect the particular subjects.

1240. Did you attend them out of curiosity, or for the purpose of making use of them in the course of publication?—Purely from the desire to observe the nature of the discussions. I have heard some very good speaking, some very eloquent speaking, at some of those meetings,

1241. Do you consider them as being impatient at being excluded from civil offices of trust or responsibility?—I think they begin to feel their situation.

1242. Have you any idea of any danger resulting to the British interests by opening to them offices of trust and emolument?—On the contrary, I should think the British Government would derive advantage from that more liberal policy.

1243. If a covenanted European civil servant received 3,000 rupees a month, how much would remunerate an Anglo-Indian of the same capacity and fitness, how much would remunerate him for the same office?—I conceive he would think himself very handsomely remunerated at one-third.

1244. What would be considered by a native of the same capacity and fitness as a sufficient remuneration under similar circumstances?—I think generally one half of what would content an Anglo-Indian would satisfy a native.

1245. Do you happen to know whether there is not on its way home a petition from the Anglo-Indians with regard to their exclusion from office?—I understand there is such a petition. There has been another meeting held on the subject.

1246. Do you consider the English gentlemen filling the offices of Magistrates and Commissioners of Courts of Request at Calcutta superior in point of talent and acquirements to the average of the covenanted servants holding judicial offices, and if so, can you state to the Committee what is their comparative rate of remuneration?—I should say, they were at least fully equal in point of talent and acquirement to any of the Company's servants, judicial or revenue. With regard to the remuneration to gentlemen in those situations, it is as follows: the salary of the Commissioners of the Courts of Requests and the Magistrates varies from about 800 to 1,400 rupees per month. I believe, however, that there has been recently a reduction in these salaries.

Martis, 20° die Martii, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

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JAMES SUTHERLAND, Esq. called in and further examined.

1247. I BELIEVE you wish to give some further explanation?—The point I beg to explain is, that although the warnings mentioned as given to the editors of the Calcutta newspapers, were, without the sanction and authority of the government, inserted in the journals of the day, they did not and could not form any intelligible guide for the conduct of the editors in regard to future discussions. The case of the suppression of the Calcutta Chronicle was exactly in point. On that occasion the government referred to previous warnings, and were supposed to allude to those given to the proprietor of the Bengal Chronicle. One of those warnings was called forth by some comments on the constitution of the Privy Council in England; the other by some jocular remarks on a despatch relative to the island of Shahpooree, in the river Naaf. In the case of the Calcutta Chronicle neither of those topics, to the best of my knowledge and belief, had ever been touched on at all, certainly not in the number of the 29th May, to which the government made particular reference. I mean to say, therefore, that they could have formed no guide, no warning to the editor of the Calcutta Chronicle. That is the explanation I wish to give. There is one other point on which I wish to add a few words. I stated that Lord William Bentinck had never interfered with the press generally; I have since recollected that he did, on one occasion, by a circular addressed to the editors, prohibit any discussion on the subject of the reply of the Court of Directors to the memorials of the Bengal officers respecting the half-batta reduction, which circular the editors obeyed.

1248. Is that the only point?—I do not at this moment recollect any other.

1249. And with that injunction the editors complied?—Yes, implicitly.

Peter Auber, Esq.

PETER AUBER, Esq. called in and further examined.

1250. IN your examination of the 14th of February last you stated, "that the number of despatches sent up for approval to the Board from 1793 to 1813 was 3,958, and from 1814 to 1830, 7,978." Are you aware that the most important of those despatches originated with the India Board?—I am not aware that the most important did originate with the Board; I do not know what may be termed the most important despatches; there are despatches which come solely within the cognizance of the Secret Committee, and there are the other despatches which come under the review of the Court of Directors at large. The former are unquestionably important on many points, especially with regard to the principles of maintaining our relations with the native states of India, and frequently as to the proceedings anterior to war, and also as connected with the treaties which may be concluded with those native powers.

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1251. This answer has reference to the importance of the subject of the despatches; what proportion of the despatches numerically can have been said to have originated with the India Board?—As far as the despatches from the Secret Committee are concerned, I think, from 1784 to the present period, there may have been about 450 or 460 from that Committee to India.

1252. What part has been taken by the India Directors with respect to the proportion of such secret despatches?—I believe it has been represented that the origination of the secret despatches rests entirely with the Board of Commissioners, whereas the Act does not prescribe either party as specially invested with that duty; it declares that whatever are sent down to the Secret Committee by the Board of Commissioners shall be sent out by the Committee, who have no power of remonstrating against such despatch; but there is nothing to preclude the Secret Committee, that I am aware of, from proposing any despatch in the Secret department.

1253. Are we to understand practically there is no prohibition of the Secret Committee proposing despatches in the Secret department; have the Court of Directors or the Secret Committee never, in point of fact, originated secret despatches?—Anterior to 1813, and during the whole proceeding of the Mysore war, and those of the Mahratta war, in the years 1802, 1803 and 1804, and likewise the expedition against the Cape, Manilla, the Moluccas, the French islands and Java, various despatches were proposed by the Secret Committee of the Court of Directors, and some also lately.

1254. Is there any provision by which despatches generally shall be held to originate with the Court of Directors?—The Act of Parliament, I think, provides so certainly by implication, that the Court of Directors are to originate despatches, for in the event of their not preparing replies to despatches from India, the Board may direct the Court to frame such despatches on any subject the Board shall see fit connected with civil, military, or revenue subjects, as connected with the government of India.

1255. Are we to understand, in your judgment, the originating power rests with the Court of Directors, and that of supervision and direction with the Board of Commissioners?—Perhaps I might put the Committee in possession of the proceedings which gave rise to the enactment as it now stands, with regard both to the despatches from the Secret Committee, and the originating of despatches by the Court of Directors. The Secret Committee was first established in 1784; when the Act which first instituted that committee was proposed by Mr. Pitt, communications were frequently held with the Court of Directors on the subject. Among the clauses that came under consideration was section 15 of the Bill: as it originally stood, that section vested the Board with the power of issuing secret orders to the government in India on any subject relating to the civil and military government, as well as respecting peace or war, withholding the knowledge of the same from the Court of Directors, as well as of the replies that might be received from India, as the Board might see fit. The Court of Directors were of opinion, that to the extent stated in the clause, the powers therein given would at one blow annihilate the Company's government. The Court were ready to recommend to the general Court of Proprietors to consent to vest powers in his Majesty's Ministers to issue

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secret orders, such orders being first communicated and afterwards transmitted through the Secret Committee of the Court of Directors, concerning the levying of war or making of peace, or negotiation respecting war and peace, to the several governments or presidencies in India, and binding those presidencies to obey the same in like manner as if they had been issued by the Court; but beyond this they could not conceive a case in which such power would be useful, and many in which it would be improper and dangerous. In consequence of such representation the provisions were altered as they now stand.

1256. Where do you find the representation made by the Court?—In the records of the East India Company. With regard to the public despatches, section 13 of the Act of 1784, as it originally stood, left it to the Board to transmit, whenever they might see fit, to the Court of Directors, drafts of despatches, without waiting for any copies of despatches intended to be sent by the Court of Directors. The Court were of opinion, that whilst the government of the possessions in India remained vested in the Company, and administered in their name, under any degree of control whatsoever, the power to originate orders and instructions could not be vested in any other class of men consistently with the principles of such a government or without at once annihilating the executive power of the Company, and that the power thereby given would not only tend to destroy the principle before mentioned, and tend to introduce a doubt which of the two bodies would stand responsible for delay or negligence, but might become highly dangerous in times of political contest and unsteady administration, when it might be very inexpedient that new men just vested with the power of controlling the most important acts of the Company should decide on materials digested, and without the aid of those reasons and explanations which a previous discussion by men of experience must ever afford, rather than be led to commit the credit of their Board by precipitate orders, which once issued would not be easily given up; and moreover it did not appear that any use whatever could arise from that power, because it would still be necessary that both the Board of Control and the Court should deliberate on every measure, and no time therefore would be saved by originating the orders in one branch rather than another. The Court were very ready to concur in any regulation which might enforce the despatch of business, and tend to prevent negligence or inefficiency in its own provisions, but whilst the government remained vested in the Company, the power so given appeared at once destructive and useless. The Court therefore gave it as their decided opinion that the clause should be altered by making the same to take place only whenever the Court of Directors should omit to forward to the Board their intended despatches on any subject within 14 days after requisition made by the Board. The Act was altered, and now stands nearly in those terms.

1257. The great bulk then of despatches connected with the government of India originates with the Court of Directors, and the power and supervision of those despatches rests with the India Board?—Clearly so. I may state, in order to show it more clearly, that from 1814 to 1831, comprising a period of 17 years, there were 7,978 drafts, instead of 7,962, as stated in my former examination, (Question 156) prepared for India in the various departments. Of this number 690 were altered by the Board. The Court, under the power which is conferred

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upon them by the Act, made representations to the Board of Commissioners, upon 109 of those 690 drafts, and the Board consented to modifications, more or less, in 76 of those 109 cases. With regard to the importance of the despatches I beg to state, that the Political department comprises almost every subject which is or has been treated of in the Secret department, such as the policy to be observed towards the several native states in India. There is also the Judicial department, another very extensive and important part of the correspondence; the Revenue likewise, and I may especially point out the Financial department, which since the year 1822 has been prepared by Mr. Melvill, the auditor, in a manner which clearly exhibits the state of the Indian finances, and shows the extent and importance of that branch of the correspondence; and I am not aware that any entire despatch in these several departments, during the 17 years, has been prepared by the Board of Commissioners. The Board have directed despatches to be prepared to the number, I believe, of 49 or 50; I may not be quite correct, but I believe that is about the number. The Board on the occasion, in 1814, of the military arrangements, comprised in one letter what was proposed by the Court of Directors to be communicated in three several letters. On many occasions important alterations have been made by the Board, but no actual origination that I am aware of.

1258. There have been differences between the India Board and the Court of Directors, on certain points of policy connected with the Indian administration, as, for instance, to the encouragement given to native princes to maintain troops after the European method; can you give me any information on this subject?—I believe the Board and the Court have entertained some difference of opinion with regard to the policy of training the troops of native princes after the European mode, but the Board have ultimately taken the same view with the Court, and rather condemned that policy, or at least they have concurred in despatches which condemn it.

1259. Can you state any, and what objections have been entertained at different times by the Court, with respect to the employment, or rather the retention in India of half-pay officers in the service, such service being the service of native princes?—I think it was in the year 1819 or 1820, after the conclusion of the Mahratta war, when a considerable reduction took place in His Majesty's regiments in India, that Lord Hastings permitted several half-pay officers of such regiments to remain in India. Those officers having found their way into the service of the native states, the Board of Commissioners called the Court's attention to the subject, upon which despatches were prepared by the Court, prohibiting that practice. I may refer to the Court's letter of the 19th June 1823 to the Board of Commissioners, upon the subject of some alterations made in the draft proposed by the Court relative to this subject; orders had originally been sent out in the Secret department, but the subject of those orders was afterwards treated of in the public records. The Court observed, "if there be one thing more indispensable than another to good government, it is the taking due precaution that those who are entrusted with power shall be duly responsible for the exercise of it, and although this responsibility will not always exclude bad government, bad government is inseparable from the absence of it. In proportion as power is great and liable to abuses, should be the efficiency of the checks imposed upon it. Hence it has wisely been deemed necessary

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not only to subject those who are entrusted with military power to severer laws than are generally found sufficient to restrain the unarmed class of society, but to keep the military force completely subordinate to the civil authority. But in the case in question, all precaution is neglected under circumstances which render more than ordinary precaution necessary. The European officers in the service of the Nizam and the Nagpore Rajah are vested with power, civil as well as military. They not only discipline and command the corps to which they are severally attached, but they are entrusted with the administration of revenue and police, and in both capacities appear to the Court to be equally exempt from responsibility. The governments of Hydrabad and Nagpore have been actually superseded by the British residents, whose authority, however great in other respects, does not legally extend to those officers; and even did the government retain their efficiency, it is not within the competency of the British Indian government to render British subjects amenable to their laws. Setting aside, too, the anomaly in the constitution of a military force of which the troops would be subject to one law and the officers to another, the Court are doubtful whether the Company's articles of war contain any provision applicable to offences committed by British officers when employed in the service of a foreign prince. There are a number of individuals, many of them very young men, entrusted with most extraordinary powers, placed in circumstances of strong temptation to abuse those powers, and subject to little or no responsibility for the exercise of them. The Court are far from wishing to exaggerate the probable evils of such an arrangement, but a solemn sense of duty does not permit them to suppress their apprehensions, that it will be attended with practical abuses most calamitous to the countries which may be the theatre of them, and injurious little less to the reputation of the government which does not prevent them, than to the character of the immediate actors in them."

1260. You have stated two instances in which differences of opinion had originally existed between the Court and the Board of Control, but in which ultimately the Board took the same view as the Court?—I do not mean altogether the same view; I mean in some degree approaching the view of the Court.

1261. Does not your experience enable you to furnish us with a great variety of instances in which points of controversy have arisen, the result of which was, that the Court were under the necessity of forwarding despatches to India in a sense directly opposed to that which they themselves had entertained?—Most clearly. Perhaps my previous answer, which stated the number of 698, I think, as altered by the Board, will show that it was only on 109 drafts that the Court made any representation, and that the Board consented to modifications in 76 of such drafts.

1262. It has been stated that there is considerable delay in the Indian correspondence, and that such delay has been caused by the existence of two Boards; can you state to the Committee whether, in your opinion, such delay be or be not attributable to the existence of two such Boards?—I am quite aware that it is thought considerable delay has taken place in the Indian correspondence. I find that a Return has been called for by the Committee of the number of letters received from India, the dates of such letters, and the dates when the answers were prepared here to such letters. I may take the opportunity of stating, that such Return will by no means

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means give the information which I apprehend it to be the desire of the Committee to obtain. It is essential, in order to show the despatch or delay that may have taken place in the replies, that the date of the receipt of such despatches in this country should be stated, because it frequently happens that a letter may bear date in January or February, which letter is sometimes nine months on the voyage, and sometimes it is only four.

1263. The Return we inquire after states the date at which the letter was received?—I beg pardon; not the date at which they are received, but the period at which they bear date in India, not the period they were received here.

1264. Can you state any instance in which such delay has arisen from the system of previous communication, which was adverted to on a former occasion?—I have taken out one or two instances, simply with reference to previous communications, and in order to show the rapidity with which answers have been returned to letters of importance. A despatch in the Political department, from Bengal, dated 14th of February 1829, was received in June 1829; it related to the contemplated temporary removal of the supreme government from Calcutta to the North-west Provinces of India. That letter was answered in 16 days from its receipt, the previous communication having remained at the Board five days only. There was one also as to the Tennasserim provinces.

1265. In this Return the letter bears date on the 14th of February 1829, and opposite to that the dates of the answers to that letter are, the 13th of July 1829, the 1st of February 1830, and the 17th of August 1831; you state that it was answered in 16 days?—The letter to which I refer is dated the 14th of February 1829, and was received on the 17th of June

1266. That is a very different account of the correspondence from what the Return gives?—That Return is signed by the Examiner of Indian Correspondence, it was brought down to me, as all returns are, to be forwarded through my department, and it occurred to me, on looking at it, that it would by no means afford the Committee that information which I presumed they required, which is, to see the rapidity or delay with which replies are sent to letters from India. I do not know how far the letters alluded to by the Committee may have reference to what I am now stating, but the fact is, that the despatch dated the 14th of February 1829, which had reference to the temporary removal of the supreme government from Calcutta to the North-west Provinces, was received here on the 17th of June 1829, and was answered on the 3d of July; the other letters may have contained some further explanations with regard to it.

1267. You admit it is in reference to the same letter, so that the period would be from the 24th of February 1829, down to the 24th of August 1831?—There may be an error in the Return; but the principle, namely, the removal of the government, was answered on the first date to which I have taken the liberty of calling your attention.

1268. It appears then, in the Return we now have, that in answer to the letter of the 14th of February, three different replies were given at various periods, the first being on the 3d of July 1829, and the last being on the 24th of August 1831?—The only answer of which I am aware, and of which I am speaking, was dated the 3d of July.

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1269. Will you just explain how this has arisen?—I beg leave to state, that that Return was not prepared in my department. I have taken out one or two instances from the records, for the purpose of satisfying the Committee that, when the subject has been considered of sufficient importance to require an immediate answer, great rapidity instead of delay has been observed in preparing such answer. With regard to the two other letters referred to, I cannot give any other explanation without referring to the records. I apprehend that in the answer I am now referring to the whole principle is treated of with respect to the transfer of the government; that is, the Court's disapproval of the measure, and in fact, the illegality of it.

1270. In point of fact, in cases in which delay has arisen, do you or do you not conceive there are any counterbalancing circumstances attending such delay, which may be placed as an advantage against it?—If I might offer any opinion with regard to the general subject, it appears to me that the maintenance of the mode in which the correspondence is now answered is justly considered to be of great importance. No despatch from India which requires an immediate reply is left unanswered for any length of time. There are other important points upon which, in previous communication as well as in the original preparation by the Court of Directors, considerable delay has taken place; but I consider that the opportunity which that delay affords to both authorities of discussing and reviewing the several subjects which are contained and treated of in those despatches, amply compensates for the delay which has occurred. I shall perhaps better inform the Committee by reading part of a letter which was written by the Chairs to Lord Ellenborough on the 27th of August 1829, when his Lordship pressed for some arrangement which might facilitate the correspondence with India. The Court observes, "Were the Indian government, as at present constituted, (comprehending under that term the established authorities in this country as well as in India) to be characterized by a single word, it might with no impropriety be denominated a government of checks. Now whatever may be the advantage of checks, it must always be purchased at the expense of delay, and the amount of delay will generally be in proportion to the number and efficiency of the checks. The correspondence between the Court of Directors and the governments of India is conducted with a comprehensiveness and in a detail quite unexampled; every, the minutest proceeding of the local governments, including the whole correspondence respecting it which passes between them and their subordinate functionaries, is placed on record, and complete copies of the Indian records are sent annually to England for the use of the home authorities. The despatches from India are indexes to those records, or what a table of contents is to a book, not merely communicating on matters of high interest, or soliciting instructions on important measures in contemplation, but containing summary narratives of all the proceedings of the respective governments, with particular references to the correspondence and consultations thereon, whether in the Political, Revenue, Judicial, Military, Financial, Ecclesiastical or Miscellaneous departments. In the ordinary course of Indian administration much must always be left to the discretion of the local governments; and unless upon questions of general policy and personal cases, it rarely occurs that instructions from hence can reach India before the time for acting upon them is gone by. This is a necessary consequence of the great

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great distance between the two countries, the rapid succession of events in India, which are seldom long foreseen, even by those who are on the spot, and the importance of the ruling authorities there acting with promptitude and decision, and adopting their measures, on their own responsibility, to the varying exigencies of the hour. These circumstances unavoidably regulate, but do not exclude the controlling authority of the Court of Directors. Without defeating the intentions of Parliament, they point out the best and indeed the only mode in which these intentions can be practically fulfilled. Although, with the exceptions above adverted to, a specific line of conduct cannot often be prescribed to the Indian governments, yet it seems to indicate any other rather than a state of irresponsibility that the proceedings of those governments are reported with fidelity, examined with care, and commented upon with freedom by the home authorities; nor can the judgment passed by the Court be deemed useless whilst, though they have immediate reference to past transactions, they serve ultimately as rules for the future guidance of their servants abroad. The knowledge, on the part of the local governments, that their proceedings will always undergo this revision, operates as a salutary check upon its conduct in India, and the practice of replying to letters from thence, paragraph by paragraph, is a security against habitual remissness or accidental oversight on the part of the Court, or their servants at home. From a perusal of the Indian records, the Court also obtain an insight into the conduct and qualification of their servants, when enables them to judge of their respective merits, and to make a proper selection of members of Council."

1271. It has been stated, "the Court of Directors have a power, without the sanction of the Board, to recall a Governor or any one of their servants, but the Board, on the other hand, have an absolute power of framing the despatch in which the decision of the Court is conveyed to India; and I believe it is not an exaggeration to say, that the Court having, for reasons assigned, recalled a Governor, the Board converted those reasons, which of course were criminatory, into paragraphs commendatory, or at least excusatory, the despatch nevertheless necessarily terminating in the recall of the individual." Can you give an instance in which such power has been exercised?—I believe the instance adverted to was that which occurred in 1807, of the recall of the then Governor of Madras, Lord William Bentinck, and that is the only instance of direct recall which I am aware the Court of Directors have ever made. I can state the terms in which the Court proposed to communicate it. The Court had sent up to the Board a draft, which contained their sentiments in the form of a resolution. The Board have invariably rejected a draft so framed, because they very justly state that they are thereby precluded, if they adopt such resolutions, from making any alteration in the draft. The draft, as proposed by the Court, stood as follows:—"Resolved, that although the zeal and integrity of the present Governor of Madras, Lord William Bentinck, are deserving of the Court's approbation, yet when they consider the unhappy events which have lately taken place at Vellore, and also other parts of his Lordship's administration which have come before them, the Court are of opinion that it is expedient, for the restoration of confidence in the Company's government, that Lord William Bentinck should be removed, and he is hereby removed accordingly." The Board altered it in the following terms: "Though the zeal and integrity of our

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present Governor of Madras, Lord William Bentinck, are deserving of our approbation, yet being of opinion that circumstances which have recently come under our consideration render it expedient, for the interest of our service, that a new arrangement of our government of Fort St. George should take place without delay, we have felt ourselves under the necessity of determining that his Lordship should be removed; and we do hereby direct that Lord William Bentinck be removed accordingly."

1272. The instance which you have quoted is the only instance in your experience of the affairs of the Company to which the statement recited in the last question could have reference?—I know of no other.

1273. Have you any recollection of a despatch signed by 23 Directors, censuring the conduct of a Governor-General, which was withheld by authority of the Board? I believe it was in the year 1805, and had reference to the policy pursued by the Bengal government in 1803 and 1804, which draft was cancelled by the Board.

1274. It has been stated that, "the Board have no control over the communications made by the Court to any persons in this country; the Court may, therefore, write a letter in London, communicating a view of a subject, or of the case of an individual, and may then be obliged, or may even have been previously obliged, to take a totally different view of the case in a despatch sent to India." Can you state any instance in point in reference to such recital?—I am aware of only one instance, which took place in 1821, and in which the Court's decision in the case of an officer in the Bengal establishment, who was in this country, was made known to him before the draft which had reference to his conduct, and which necessarily would go to India, had been approved by the Board; but since that period I am not aware of any other, the Court having invariably abstained from communicating any decision whatever to parties when such decision was in any way subject to the approbation of the Board, unless that approbation had been received.

1275. You stated in your former examination that the references were 50,146; are we then to understand that the only instances in which such a case as that in the recital occurred, is the instance to which you have now referred in the case of the Bengal officer?—Most unquestionably; perhaps I may state that the 50,000 references alluded to were not all matters in which the Board would necessarily have a control.

1276. It has been stated, "that the Board is restrained from taking part in the appointments to office; I should say, however, that the Governor General and the Governors of Madras and Bombay, and the three Commanders-in-Chief cannot be appointed by the Company without the approbation of the King. The warrant of approbation is countersigned by the President, who is therefore the responsible minister on such occasions. This approbation has been repeatedly refused." Beginning with the administration of India; beginning from 1784, carrying it down to 1831, will you state the instances which have occurred in which on the part of His Majesty's Government the President of the India Board has refused the warrant of approbation to the great officers appointed by the East-India Company, as recited by this question?—Beginning with the Governors General, and then going down from 1784 to the present period of Governors General, Governors of Madras and Bombay

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and Commanders-in-Chief, the total number of appointments which have been made are 70, and there have been only three disapprovals on the part of the Crown; but it is important to apprise the Committee that the King was not vested with the power of negativing the appointment by the Court until 1813, therefore the exercise of that power must have reference to a period subsequent to 1813; and since that time there have been 24 appointments of Governors General, Governors and Commanders-in-Chief, and only three were disapproved by the Crown. Those three consisted, one of the Commander-in-Chief at Bombay, who was appointed by the Court of Directors, and was a Company's officer; His Majesty was not pleased to confirm that nomination. The two other instances were those of Mr. Elphinstone and Sir John Malcolm; the Court proposing that Mr. Elphinstone should be removed from Bombay to Madras, and that Sir John Malcolm should be appointed to Bombay, Mr. Canning having in 1818 brought the services of Sir John Malcolm to the special notice of the Court of Directors for the government of Bombay, if they chose to appoint him. When the Court proposed, as I have stated, to appoint him successor to Sir Thomas Munro in 1824, His Majesty's refusal was received, but the Court afterwards nominated him to succeed Mr. Elphinstone at Bombay, and His Majesty's approval of that appointment was then given; so that, in fact, the negative passed upon the appointments of Mr. Elphinstone and Sir John Malcolm only affected the transfer of the former, and caused a delay in the appointment of Sir John Malcolm to Bombay.

1277. In point of fact, is there a single instance of a Governor General of India, appointed by the East India Company, having been refused by the President?—I am not aware of one.

1278. In point of fact, is there a single instance of a Commander-in-Chief appointed by the Company having been refused by the President?—I am not aware there is an instance, with the exception of that to which I have adverted; but perhaps I should state that the Court of Directors, being fully aware of the individual who is to be appointed to the command of His Majesty's troops in India, generally appoint such officer to command the Company's troops, on an understanding with His Majesty's Ministers that the nomination will be confirmed by the King.

1279. Can you, without any breach of official confidence, state any circumstances that took place in the year 1806 in respect to the appointment of the Governor General of India between the months of February and June in that year. You are not to answer this question unless you choose?—I can have no difficulty in answering the question. The appointment of a Governor General to India at the period alluded to gave rise to a long correspondence with the then President of the Board, Lord Minto. It will put the Committee in possession of the views of His Majesty's Ministers at that time, with regard to the power the Court possessed of nominating their Governors, if I read an extract from that correspondence. Lord Minto, in reply to the letter of the Chairs, in which they objected on the part of the Court to the nobleman who was proposed to them, wrote, "It is with perfect satisfaction therefore that I subscribe entirely to the unquestionable doctrine concerning the right and powers which relate to the appointment of all officers, civil and military, including the Governor General, as

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it is laid down in para. 4, 5 and 6 of your letter. The appointment is undoubtedly vested in the Court of Directors by the clearest provisions of the law, and so far from disputing, I am prepared to second you in asserting and maintaining that doctrine. At the same time the powers of revocation are vested, by provisions equally clear, both in the Crown and in the Court of Directors. I subscribe also to the other important truth contained in the 6th para., viz. 'That in the selection of persons to fill those high stations (of Governor General and Governors) it has been usual with the Court to have an understanding with Administration, and to consult their opinions and wishes;' nor can I feel any inclination to controvert the concluding lines in that paragraph, 'That the Court have also, to a certain extent, exercised their own judgment, and a choice, not objectionable to either party, has consequently been made.'

' In these great outlines of strict legal powers, and of a due and discreet exercise of them, we are, I trust, and I am happy in this opportunity of declaring so, entirely and cordially agreed.

" On that account, indeed, I am the more unwilling to pass by entirely without notice a passage in para. 14, which appears to me capable of bearing a construction which I am persuaded the Court did not intend, but if it does not clearly pronounce, it may at least be thought to convey, the imputation of Government having proposed to arrogate the absolute appointment of the Governor-General without the interposition of any discretion of the East-India Company.

' It would perhaps be enough to disclaim, in the name of the King's servants, and in the most distinct manner, the illegal design brought into view by this passage. But I may be allowed on this occasion to express some regret at finding in that paper even the trace and shadow of an injurious allegation, altogether unwarranted by any part of the proceedings to which it has been applied."

13 Mr. Canning in 1818 wrote to the Chair on the choice of a Governor for Bombay: "The more usual practice *for the Court is to look for their Governors* rather among persons of eminence in this country than among the servants of the Company."

1280. You have stated three instances since the year 1813 in which the approbation of the Board of Control to the appointment proposed by the Court of Directors has been formally withheld; do you entertain any doubt that in other instances the communication which took place between the Chair and the President of the India Board has been a different appointment from that which had been originally contemplated by the Court?—As far as public proceedings go, I can only speak to what is on record; but I have a perfect knowledge that there are instances in which individuals have been proposed by the Chair; and I know also, that there have been many instances, or some instances, in which individuals have been proposed by the Board in the same manner, to which neither party would consent, and that the principle laid down in the letter from Lord Minto has been the principle acted upon; viz. that there should be an understanding between the two authorities before the nomination is publicly brought forward: if, on the other hand, the nomination should be publicly brought forward in the way it has been here shown, the Court would, I have little doubt, decidedly negative the proposal.

1281. In the instance you have referred to in the year 1806, was not the result of what passed between the Court and the President of the Board of Control at that period the substitution of the name of one nobleman suggested by the India Board for the name of another nobleman, whose name had not proved agreeable to the Court? —I believe I may confidently assert, that Lord Minto was prevailed upon himself to take it by the Chairs.

1282. Do you conceive that Lord Minto's description of the relation in which the India Board and the Board of Control stood in 1806, is equally applicable to the relation in which they stand towards one another now, with regard to Indian patronage?—I am quite sure of it, with the exception of this, that the King has the power of negativing appointments now which His Majesty had not then.

1283. From the view of the working system connected with this nomination, is the government of India, in your opinion, practically vested in the Court of Directors, or in the India Board?—In presuming to offer my own opinion, I will attempt also to fortify it by the opinions of those who have taken a prominent part in Indian affairs. It appears to me that the government of India has never been altered so far as regards the body in whom the actual government of India is reposed. Previously to the year 1784, the government of India vested, as I conceive it does now, with the Court of Directors, who were then subject on various points to the supervision by His Majesty's Secretary of State, as they are now by the Board. It may be important to show what the views were at the various periods of Parliamentary inquiry with regard to the East India Company and their executive body. In 1772, when a Committee was appointed to inquire into the Company's affairs, and which inquiry led to the Act of 1773, the Chairman of that Committee, who was Colonel Burgoyne, said, "I shall perhaps be told that the object and end of my inquiry is to throw the whole affairs of the Company into the hands of the Crown, from which the death-blow to the Constitution is most to be apprehended. I have no such purpose. If the Legislature has not power and wisdom so to model and regulate the sovereignty of the state in India, or so to delegate its powers as to prevent the influence of the Crown in England, let it never be attempted."

Mr. Burke, on the same occasion, says, "Their authority I would not have diminished in India by any severe animadversions. Let the people of Bengal be not taught to despise them by finding their authority limited and circumscribed. It is enough that we provide for the good government of that country for the future, when they have so widely extended our empire and commerce, when they have so greatly augmented our naval power."

In 1773, when Lord North was about to bring forward his regulating Act, he said, "The point to which I shall confine myself at present is the territorial possessions; and I think it necessary, in this part of the affair, to drop all examination or declaration of the right which the Crown has to these possessions; since, from the motion which I have read, there is no want of such examination, as the territories are left, under certain conditions, entirely in the Company. I think they ought to be left for ever in the Company. I am fully and clearly of that opinion, if not from right, at least from policy. But this depends upon their conduct. If they in future govern them no better than they have hitherto done, my opinion will be very different."

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In 1783, in order to show the minuteness with which the examination had been entered into by the Committees of the House of Commons at that period, Mr. Fox, when about to submit his views on Indian affairs, in allusion to the Committees Reports, said, "they contained a body of information so complete, that perhaps the like had never been laid before Parliament."

It was with this information that Parliament legislated in establishing the Board of Commissioners; which measure did not, I conceive, take away the government of India from the East India Company, but placed their administration of that government under the control of a branch of the Executive Government of this country.

In 1793 Mr. Dundas says, "If the mode at present adopted for the government of India is to be examined on any principles of general theory, it may be liable to many criticisms; but it has been proved by experience to answer the purpose of a successful and prosperous administration of our Indian affairs. And, under these circumstances, it seems much wiser to found on the basis of established systems, than to substitute in their room the most plausible untried theories."

In 1800, when the subject regarding the private trade with India was brought forward, Mr. Dundas said, "That a direct interference by Government in the affairs of India is necessary for their stability and uniformity, I am more and more convinced; but that the ostensible form of government, with all its consequent extent and detail of patronage, must remain as it now is, I am persuaded will never be called in question by any but those who may be disposed to sacrifice the freedom and security of our constitution to their own personal aggrandizement and ill-directed ambition."

In 1808 before the negotiation commenced for the renewal of the last Charter, Mr. Dundas said, "He had not yet heard or read any arguments against the continuance of the system under which the British possessions in India were governed, of sufficient weight to counterbalance the practical benefits which had been derived from it in their increased and increasing prosperity, and the general security and happiness of their inhabitants. It was possible that the same effects might have been produced under a government immediately dependent upon the Crown; but for the attainment of those objects the experiment was at least unnecessary; and it might be attended with dangers to the constitution of this country which, if they could be avoided, it would be unwise to encounter. Any alteration, therefore, which might be suggested in that part of the system would probably be only in its details."

And again: "He assured the Court, that it would be the earnest desire of His Majesty's Government to suggest to Parliament such *a system* only as should be conformable to the principles on which the Regulations of 1784 and 1793 were founded, as would secure to this kingdom all the benefit that could practically be derived from its trade with our possessions in India; and to the natives of those countries a *government* and an administration of law suited to their customs, habits, and prejudices, and consistent with the British character, and which should also be strong and efficient, without adding unnecessarily to the Executive Government at home, or increasing to any dangerous extent the influence of the Crown."

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In the year 1813, it was stated by Lord Castlereagh, when moving that the House do resolve itself into a Committee of the whole House to consider the petition of the Company for a renewal of their exclusive privilege, "That if he and his colleagues had conceived that the arrangements they should propose would shake a system which had unquestionably answered *all the great purposes of government*, they would have hesitated before they had suggested them; but his proposition would not only abstain from touching the principle of that system, but would render it more applicable to the times."

And on the 4th of June 1813, the Committee of the whole House resolved, "That it is the opinion of this Committee, that as long as the *government* of India shall be administered under the authority of the said Company —"

From what I have taken the liberty of pointing out to the Committee, it appears to me that the government does certainly rest with the Court of Directors, under the direction, control and supervision of the Board of Commissioners; and perhaps I might, with reference to the various subjects which arise out of the trust reposed in the Court of Directors at the present moment, add, that if the originating of the despatches to India, with the exception of the principal part of those that are in the Secret department; if originating all the appointments in this country for the service, civil and military, in India; if the appointment of the highest functionaries in India; if the transaction of all the various duties of the civil and military officers and others attached to the several establishments; if the power of deciding upon all personal cases, of course such as are adverted to in the despatches to India being subject to the review of the Board; if the provision and management of all the funds necessary for the political outlay in this country; if all the arrangements consequent on the recruiting of the Company's European regiments, the embarkation, transfer and return of troops connected with His Majesty's regiments to India; if all questions as to prize money and the various details connected with so extensive a government, which it is scarcely necessary to notice here, in the shipping and commercial departments, and the correspondence with the departments of His Majesty's Government, constitutes the government of India, I presume it must be considered as resting with the Court of Directors, subject, as I have before said, to the correcting (to use Mr. Canning's own term) the correcting, restraining and approving Board.

1284. It has been stated, "That previously to this arrangement of 1807, the functions of the Board were performed in a much less satisfactory manner, and that neither the President nor the members, still less the permanent officers of the Board, had any detailed knowledge of what was going on in the several departments in India, or took any concern in matters which did not excite the attention of Parliament or the public." Can you state anything from personal experience or documentary evidence in relation to the recital of the preamble of this question? — From personal experience I cannot, but from documentary evidence I should say, that the Board of Commissioners from its first establishment —

1285. Mention the name of the first Commissioner?—I hardly recollect the name, but it is a singular fact, that the reference to the records anterior to 1807 will show that the Board of Commissioners took the most minute interest, and exercised a supervision on every matter falling within their province. There is one

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particular circumstance occurs to my recollection: when the subject of the decennial settlement in India was under discussion, I think it was in 1792, Mr. Pitt and Mr. Dundas devoted ten days in communication with the Chairs upon the important subject. On that occasion they spoke so highly of the present Lord Teignmouth, then Mr. Shore, that the Court of Directors appointed him Governor General of India in succession to Lord Cornwallis. Mr. Burke at that period happened to be at Bath; he was engaged in conducting the prosecution against Mr. Hastings, and expostulated with the Court for having made the appointment of an individual who he considered in some measure mixed up with the proceedings of Mr. Hastings. The Chairman of the Court of Directors, then Mr., afterwards Sir Francis Baring, wrote to Mr. Burke, stating, that it was in consideration of the high character, probity and honour of Mr. Shore, that the Court had appointed him, and the Court adhered to that appointment.

1286. It has been stated that the views of the Court of Directors and the Board of Control have been different in respect to the employment of natives in India; do you or do you not consider that the Board have manifested a stronger desire than the Court for the employment of natives?—I think it is due to the Board of Commissioners to state, that they have undoubtedly pressed for the more immediate employment of natives in various offices than in the opinion of the Court of Directors has been wise or expedient; but the Court of Directors are as anxious as anybody can be to promote the same objects, only less precipitately. There is a despatch before the Committee, dated on the 23d of July 1824, in which the Court of Directors thus expressed themselves: "But whatever may be the urgency for increasing your European civil establishment, and to whatever extent it may be found necessary to carry that increase, we cannot let the present opportunity pass without again inculcating that which we have endeavoured to impress upon you on various occasions in the course of the last ten years, namely, the advantage and necessity of a more extensive employment of native agency in the Judicial department of the service. The Regulations passed by you with this object, in the beginning of 1821, have our cordial approbation; and we were greatly pleased with the valuable Memorandum which was then submitted to you by your Chief Secretary, Mr. Bayley, explanatory of the policy which had influenced the framing of those Regulations. But though, under the provisions then made, the powers of moonsiffs and sudder aumeens were increased, and their number may be increased indefinitely, we apprehend, from the large arrear of undecided causes stated in Mr. Adam's Minute to be depending in some of the Zillah Courts, that both the number and powers of those functionaries are still inadequate. It has frequently been objected to the employment of the natives of India in judicial offices, that they cannot be safely trusted with the administration of justice. To this objection it might perhaps be a sufficient answer to say, that they are already so trusted. But our principal reason for noticing the objection is, that we may impart to you our decided conviction, that when we place the natives of India in situations of trust and confidence, we are bound, under every consideration of justice and policy, to grant them adequate allowances. We have no right to calculate on their resisting temptations to which the generality of mankind in the same circumstances would yield; but if we show a disposition to confide

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fide in them, and liberally to reward meritorious service, and to hold out promotion to such as may distinguish themselves by integrity and ability, we do not despair of improving their characters, both morally and intellectually, and of rendering them the instruments of much good. It will be gaining a most important point if we can substitute a well regulated and responsible agency for that unauthorized and pernicious influence, which there is reason to fear that the native officers of the adawluts are in the habit now of too frequently exercising over the proceedings of those courts. The experiment, however, of employing native agency in the administration of justice has been tried with success on a larger scale in the Madras provinces, where it has greatly relieved the zillah courts from a pressure of business, to the expeditious despatch of which they had been found unequal, besides having, as we believe, been attended with other important benefits; and we have derived much satisfaction from observing a spreading conviction of its utility. When the revenues of a state are more than sufficient to defray the necessary expenses incurred on account of its government and defence, the people are entitled to look for relief from part of their burthens; and you will besides have seen from our recent despatches in the Military and Financial departments, that according to the best view which we can take of the actual state of our affairs, it is not such as to exempt you from the strictest attention to economy in every department of your administration." The Board have undoubtedly pressed more strongly than the Court, subsequently to the Act of 1813, for the employment of natives. The Court are disposed to adopt the same principle gradually; but they still refrain from going to the extent to which propositions have been made for conferring certain offices on the natives of India. The measures of Sir Thomas Munro on that subject have been alluded to in the letter just read as to the employment of natives. There is a Minute, which was placed on record by Sir Thomas Munro, which has reference to the precipitancy of some of our measures in 1824. "Our experience is too short to judge what rules are best calculated for this purpose. It is only within the last 30 years that we have here begun to acquire any practical knowledge. A longer period must probably elapse before we can ascertain what is best. Such a period is as nothing in the existence of a people; but we act as if this were as limited as the life of an individual." With regard to precipitation he has this observation: "One great error in this country, during a long course of years, has been too much *precipitation* in attempting to *better* the *condition of the people*, with hardly any knowledge of the means by which it was to be accomplished, and indeed without seeming to think that any other than good intentions were necessary. It is a dangerous system of government, in a country of which our knowledge is very imperfect, to be constantly urged by the desire of settling everything permanently, to do everything *in a hurry* and in *consequence* wrong; and in our zeal for permanency, to put the remedy out of our reach. The ruling vice of our government is innovation, and its innovation has been so little guided by a knowledge of the people, that although made after what was thought by us to be mature discussion, it must appear to them as little better than the result of mere caprice. We have in our anxiety to make every thing as English as possible, in a country which resembles England in nothing, attempted to create at once, throughout extensive provinces, a kind of landed property which had never existed in them."

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1287. What is the highest salary given to a native in the administration of justice?—I am not prepared to answer that question.

1288. Can you state what the average is?—I cannot. The return could easily be made; I think there are now some returns before the Committee relative to that subject.

1289. You stated in your examination the other day "the Secret Committee is appointed for the purpose of sending out orders, with reference to political matters that are connected with war or peace, or treaties and negotiations with the native states in India:" Have despatches relating to purely financial and commercial subjects ever gone through the Secret Committee to India?—Certainly.

1290. Upon such subjects as the transmission of bullion, and the nature and amount of the Company's investments?—Unquestionably.

1291. Are such despatches at any subsequent period communicated by the Committee of Secrecy to the Committee of Correspondence?—The subject of no despatch in the Secret department, without the permission of the Board of Commissioners, can be communicated to the Committee of Correspondence. No despatch which has been forwarded to India in the Secret department can be communicated to any party without the permission of the Board, no matter whether it originated with the Court of Directors, or is sent down from the Commissioners.

1292. Do those orders of a purely commercial nature remain concealed from the knowledge of the Court of Directors?—I may perhaps draw this distinction between communicating this despatch *totidem verbis*, and communicating the subject of the despatch generally; but when any large measure, either war against a native state, or the carrying forward an expedition against any of the Eastern islands, has been in contemplation, and the finances of India at those periods exceedingly pressed upon or requiring aid from this country, the Secret Committee, in communication with the Board of Commissioners, have taken upon themselves to provide the funds essential for the prosecution of those measures, without communicating the same to the Court at that time; but the very effects which would necessarily result to the Company's financial concerns would subsequently show that there had been such a transaction, and therefore ultimately the fact would be known.

1293. The case which you have instanced is one of a mixed nature, of finances and politics; I am anxious to know whether there have been any cases purely commercial in which despatches have been sent to India by the Secret Committee?—I have great doubt whether any despatch purely commercial, without having reference to the state of the Company's finances, or without being connected with some political proceeding, has been sent out to India by the Secret Committee: there is a Secret Commercial Committee, in addition to the Secret Political Committee, and the subjects which are treated of by them in their despatches are wholly commercial; and are not laid before the Court of Directors till the conclusion of the official year in the month of April.

1294. Does that Secret Committee correspond with the Board of Control in the same manner as the other Secret Committee does?—Every despatch from the Secret Commercial Committee is communicated to the Board of Commissioners.

1295. How is the Secret Commercial Committee constituted?—It is constituted under a bye-law, which has the effect of an Act of Parliament on the Court of Directors,

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Directors, if there is no Parliamentary provision which supersedes it. The Committee is chosen by the Court, who nominate the chairman, the deputy chairman, and the senior member of each of the three committees.

1296. The description of investment, whether indigo, silk or otherwise, you consider as purely commercial matter?—Certainly.

1297. But an order to send bullion, either connected with the government of this country or with the Indian debt, you consider to be of a mixed nature, partly political and partly commercial?—It would come under the Financial department, and either be carried to the credit of Commerce or Territory, as the case might be.

1298. And might pass through the Secret Committee?—It might pass through the Secret Committee, with the sanction of the Board of Commissioners; but as I have before observed, no despatch could be sent to India in any way without their knowledge.

1299. But the entire trade of the Company with India being now for remittance, does not the Secret Committee possess, in fact, a power of interfering with almost the whole of the commercial and financial transactions of India, and of engrossing the direction of it in its own hands if it so please?—I apprehend we must suppose the Board of Commissioners and Secret Committee of the Court of Directors to concur together in a measure of that kind, which is most improbable.

1300. There are no orders which they might not frame as they pleased?—It would be a most tremendous responsibility, if they were to frame and send out any orders which did not strictly fall within the limits of their appointment.

1301. And you consider the limits of those are sufficiently defined for that practical purpose?—I do. There is no desire that I am aware of to keep matters in the Secret department. One instance, in which it was proposed lately to treat of the affairs of a certain state in the Secret department, was opposed by the Court of Directors, who made a representation against some portion of a despatch regarding a state in the western part of India, which had been prepared in the Public department, being struck out by the Board, on the ground that it was their intention to include it in the Secret department. The Court expostulated against it, but the Court have no power to control the Secret Committee.

1302. It has been stated, that the division of the Directors among the committees is regulated entirely by seniority; has it happened that within your knowledge at any time the Directors composing the Committee of Correspondence have all been members of a particular profession; all nautical men for instance?—Clearly not since the year 1794. I am not aware of there being at any time a greater number than three nautical, or perhaps four nautical members, and that in very few years.

1303. Any statement to that effect would perhaps in your judgment not be sustained?—Most certainly not. Some explanation may be necessary to put you into possession of the reasons which weighed with the Court of Directors, in electing the committees as they now stand. Those committees, as I have already stated, were formed in 1785, in consequence of the Act of 1784, and in some measure in communication with the Board of Commissioners. Under the roof of the India House is comprised all the departments which are necessary for carrying on the whole of the affairs entrusted to the Company; and may be compared in a smaller

smaller degree certainly (although still a very large one of itself), to what is performed in the several departments of the state.

1304. I thought you were going to state, that in the East India House there were departments analogous to those of the State of England generally; what part does the Committee of Correspondence bear reference to?—In the corresponding branch you may compare it with the Secretary of State for the Colonies. With regard to the Military department, I should say that it comprises what is done in a great measure at the Horse-guards and the War-office. The Financial department, being political and commercial, embraces the various points that are attached, or which are conducted by the Treasury of this country; and the Commercial department, and the Committee of Shipping, what in some degree is carried on by the Navy Board and the Board of Trade. It may be necessary to state, that the shipping concerns of the Company, the members of which profession are particularly alluded to, long formed a very important branch of the Company's affairs, and was conducted under a variety of Acts of Parliament; in point of fact the Court were bound by legislative provisions in all their shipping transactions. The Committee of Correspondence is entrusted with the issuing of all orders connected with the despatch, rendezvous and sailing of the several fleets to and from India; and during the period between 1793 and 1814, they were in frequent communication with the Admiralty for convoy, &c. At an early period of the war the naval force of the country was frequently inadequate to afford convoy sufficient for the protection of the vast interests involved in the safety of the Company's fleets; and such was the importance attached to the size and character of the Company's ships, that in 1795 the Company transferred, at the instance of Government, eight of their large ships for the service of the public.

1305. Military service?—For political service.

1306. Not commercial service?—Not commercial. They transferred eight of their commercial ships for the military purposes of Government; they likewise, in 1795, released the owners of 14 of their ships from their engagements, to aid the public service in the transport of troops to the West Indies; and so late as the year 1805, at the instance of the Admiralty, the Court of Directors gave up two of their ships for the service of Government. These circumstances will show that the Court of Directors has necessarily contained a proportion of professional members, nautical men. Of those gentlemen there was the Honourable W. F. Elphinstone, one of the most able Directors, having filled the chair twice or three times; Mr. Marjoribanks the same; the Hon. H. Lindsay has filled it once, and Mr. Loch has lately retired from it. I believe it will be scarcely found that any gentlemen have been more efficient in conducting the Company's affairs, or who have possessed more knowledge of them, than those gentlemen, and they acquired it by progressively passing through the several committees.

1307. Has not the size of the ships and their equipments been the same since the peace as they were in the war?—In consequence of the opening of the India trade, the Company, as far as the India shipping is concerned, have totally abandoned it. Their China ships are in part sent circuitously by Bombay, Madras and Calcutta, as troops and stores may have been required to be transported, and as the

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commercial concerns of the Company in their consignments ultimately to China have rendered necessary.

1308. Those ships carry the same number of guns and men as in the time of war?—They do not carry the same number of guns, but I believe the number of men is the same. The Court have latterly been in the habit of employing what are termed dismantled ships, which have gone a considerable number of voyages, but are let at a lower rate of freight, in consequence of their being found in a less superior manner.

1309. Are they not altogether got up on a scale of expense which no individual merchant, or any set of merchants, would think consistent with prudent or advantageous commercial speculations?—If you look at the Company's shipping at the present moment, and compare it with the private trade, viz. the shipping that is now sailing to and from India, the charges on account of the Company's China ships is considerably larger; but I doubt very much, upon the out-turn of the whole concern in the long run, whether it will be found, that when the services they have performed, the cargoes they bring, and the security and safety altogether of that class of ships are considered, they much exceed the cost of the private traders, It is an important point to bear in mind, that from the opening of the trade to the present time peace has existed; but I should confidently predict, that if we were to be at war again with any naval power, the India trade (and supposing the China trade to be thrown open it would be still worse, for the Indian Archipelago presents the means of resort for privateers, and rendezvous for an enemy,) the loss to the commercial interests of this country would be very great, for anything like a sufficient convoy or security to that commerce could not possibly be afforded. The commerce would be materially diminished, to the great detriment, I should say of the country and of the revenue, looking at what has occurred in a state of war even with the Company's shipping in former times.

1310. With reference to the formation of the committees of the Court of Directors, have you ever known a barrister a member of the Shipping Committee, and the commander of a ship a member of the Law Committee?—Yes, there is at the present time.

1311. Within your experience has it not happened that the greater portion of men of experience and high reputation in India belonging to the Court of Directors have not become members of the Committee of Correspondence?—No, I should say not.

1312. Do you mean to say that many individuals of great weight and character have not, within your remembrance, been excluded from the Committee by the operation of the rule?—That there may have been some I have no doubt; but I should say, taking the whole series of events as they have occurred with regard to the Court of Directors, most of the members who have held high stations in India have sooner or later reached the Committee of Correspondence; and, as I took the liberty of stating before, they have, and every Director has, to all intents and purposes, the same power of interference in the Company's affairs, and of acquiring a thorough knowledge of all that goes on, except that of sitting and deliberating in the Committee of Correspondence.

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1313. But is it understood that they do take part in the proceedings of the Court?—I am quite sure that the very dissents which these gentlemen have recorded on the minutes of the Court's proceedings, which are sent up to the Board, show that they do very fully enter into, discuss, and interfere with the various matters connected with the correspondence of India.

1314. It has been stated, that the Board has also a power of directing permission to be given by the Court to any individual to go to India, and they are not required in this case to state their reasons; has the power of the Board, in so directing permission to be given by the Court to parties to proceed to India, been exercised in over-ruling the decision of the Court in respect to the same parties?—The return is now before the Committee of the number of individuals who have applied, being 1,547 since 1814.

1315. Of that number of applications so made, how many have been granted by the Court of Directors?—One thousand two hundred and fifty-three

1316. How many have been refused by the Court of Directors?—Two hundred and ninety-four.

1317. How many of the 294 so refused by the Court of Directors have subsequently, under the permission of the India Board, proceeded to India?—Seventy-one.

1318. Then, in point of fact, the decision of the Court of Directors has been confirmed in the case of 223 of the parties who have previously been refused by that Court; that is to say, in three out of four cases the decision of the Court has been confirmed by the Board?—Clearly so.

1319. What is the principle upon which the Court of Directors has proceeded in these matters?—When any party desires to proceed to India, his application is preferred to the Court, and laid before the first Court after its receipt, when it is referred to the Committee of Correspondence, who judge of the grounds set forth, for a compliance with the application. If any good reasons whatever are shown, either to join any mercantile house from whom the applicant may have received an invitation, or that he has any goods to take to India, or that, in fact, he has any substantial reason whatever for proceeding thither other than mere speculation, I am not aware that the Committee ever refuses to recommend to the Court to acquiesce, or that the Court refuses permission.

1320. What are we to understand by the phrase in your last answer, "other than mere speculation"?—I should say, if an individual had made an application, stating that he was desirous of proceeding to India, and his application contained no specific object, the Court would call upon him to state for what purpose he wishes to proceed, and if it should be represented that it was to seek employment, the Court I think would consider it speculation and refuse permission.

1321. Do the Court of Directors take cognizance of parties who may apply for permission to accompany the Governor-General, Commanders-in-Chief and other great functionaries; and if so, what is the cognizance so taken by the Court?—The Court of Directors never hesitate in permitting any portion of their family, or such attendants as they may think fit to apply for, accompanying them to India; but if any request is made for parties to accompany them where there is no ostensible prospect either of employment, or for any other apparent purpose, the Court of

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of Directors, I apprehend, would object to it; but it is so well understood generally by the personages who have been appointed to those high stations, what the practice of the Court has been, that I do not think any application has been made to which the Court have felt it necessary to object.

1322. The reluctance to which you advert as being sufficient to render needless any applications to overcome it, was founded, it is to be presumed, on some previous experience of the evil effects of the more general introduction into India of strangers so accompanying functionaries of high rank?—I think instances have occurred in which objections have been privately taken to such parties proceeding to India, from a perfect persuasion that it could only be with a view of placing the individual in some situation, or some employment not ostensibly avowed when the application was made.

1323. Can you state any instance in recent times in which a public functionary proceeding to India afterwards quartered on Indian employment an individual not previously connected with the service of the King, or with the service of the Company?—I am certain, and in fact the public records exhibit a most lengthened correspondence and course of proceeding regarding an individual who accompanied a Governor-General to India in the year 1813. In the judgment of the Court of Directors, and in that of the Board of Commissioners also, very serious injuries were considered to have arisen to a native ally of the British Government from such permission, and at this moment the circumstances and claims arising out of the event, form matter of correspondence and discussion between the authorities in this country and those in India.

1324. And you conceive the reluctance entertained by the Court of Directors to permit Europeans to accompany their high functionaries on proceeding to India has been attended with advantage both to the Company and to the native princes, by limiting the introduction of those who might exercise an undue influence in the affairs of India, an irresponsible and undue influence?—Certainly. I may take the liberty of stating, that when the Board was established in 1784, they very shortly afterwards expressed themselves adverse to the resort of individuals to India without any apparent prospect of employment. The evil was so strongly felt, that the Board in 1786 proposed to Parliament an Act imposing further restrictions than those contained in the Act of 1784; and the Board have also of late years expressed their disapprobation of leave being given to an individual who had been in India being allowed to return thither, simply on the ground that he had been there, as originally he had proceeded without authority.

1325. Do not the treaties with the native princes invariably contain an article providing that no European shall reside in that state without permission of the native prince?—I cannot very accurately answer that question, but I have little doubt it is so.

1326. It has been stated, that in the event of the administration of the Indian empire being no longer in the Court of Directors, and of the patronage now vested in the Court of Directors being transferred elsewhere, that the constitutional jealousy which has been often felt and expressed as to the transfer of such patronage to the Crown, might be relieved by its being transferred to a body utterly independent of the Crown; as for instance, independently of general competition,

which has also been suggested, to such bodies as public schools or institutions, by way of reward to the pupils, to societies, to public functionaries, such as sheriffs of counties, or privy councillors, does any and what objection occur to you in respect to such distribution of such patronage?—Assuming from what we find on record that the objections which were stated in 1784 to leaving that patronage in the Crown, still exist, I do not consider that the proposed change which you have now stated would at all do away those objections which led to the patronage being reposed in the Court of Directors. It appears to me that the necessary quantum of patronage must be decided upon by the body who has to administer the affairs of India; and as it has been suggested that a Secretary of State for India might be appointed, the duty of deciding on the quantum of patronage, comprising the civil and military as well as the appointments of Governors, and in fact every species of patronage, would necessarily devolve upon such Secretary of State. At present there is a check as to quantity; for if the Court of Directors propose that so many writers and so many cadets be appointed, the Board may say, as they have said, "We do not think so many necessary:" in the contemplated change I see no such provision. Hence the advantage of the check as it at present stands. Suppose the number to be sent out henceforth, on the most moderate computation as compared with what has hitherto been made, (with the exception of this last year when there was no civil patronage whatever.) to be twenty writerships in the year. The cadetships I will take at fifty. This Secretary of State would then have the power of naming the parties upon whom this patronage should be conferred. He might decide that some particular corporation in which he might have an interest, or in which some friend of his in the Administration might have an interest, should have one of those nominations, (and the fewer the number the more valuable each appointment would become,) so with regard to the sheriff or any individual, one having a particular influence in a particular county or borough, might have one of these nominations conferred upon him for the purpose of rendering service in the support and maintenance of such Administration, or in that of its supporters, by influencing those who might have the privilege of voting for the Members of Parliament. Hence the very evils which it has been the great care of the Legislature to guard against, would I think be more generally and more powerfully and widely diffused than almost under any other plan.

1327. It has been stated, that the average salary of the civil servants of the East India Company in their Indian possessions is about 2,000 *l.* a year; do you consider then that the addition to the patronage of the Crown of 20 appointments, leading to such salaries, and of 50 appointments in the army, would throw a weight into the scale of the Crown, which would be open to the same objections formerly entertained and expressed with respect to such transfer?—I could have very little doubt of it, and when it has been attempted to be shown what the value of the patronage is to the Directors at the present moment, that patronage must be considered to be very valuable, and of course would be a most important instrument in the hands of any minister, which he might use, as indeed the records of Parliament show it has been used, for Parliamentary purposes.

1328. It has also been suggested, that it might be made a most appropriate reward to civil or military officers who have distinguished themselves, that their

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children should receive writerships and cadetships; can you state, in point of fact, how far the civil and military servants of the Company do in the present course of things receive already civil and military appointments for their children?—In consequence of what passed at my previous examination, and the questions put to me, I have referred to the writers appointed for the last five years, those at the college and those by the London Board. I will first state the classes from whence they have been taken generally; three were sons of noblemen, from the college, eight were baronet's sons, 14 were the sons of clergymen, eight were Director's sons, 30 were the sons of the Company's civil servants, 22 were sons of officers in the Company's army, 42 were sons of persons in the Company's naval service, 27 were sons of persons in His Majesty's service, army or navy, 110 were the sons of merchants, bankers, professional men, and private gentlemen, making from the college an aggregate of 226. By the London Board there were 79 appointed, seven were the sons of clergymen, 10 were the sons of persons who were officers in His Majesty's service, both army and navy, 16 were the sons of persons in the Company's civil service, 10 were the sons of persons in the Company's army and navy, and 36 were the sons of bankers, professional men, merchants, and private gentlemen.

1329. Have you any means of knowing what number of applications have been made to the Court of Directors by the public generally for appointments?—I think since the year 1813 the public applications made for appointments are 720. I think there have been about 240 public applications for appointments to India.

1330. You have stated that in the event contemplated in the question put to you, there would then be no check as to the regulation of the amount of patronage; you have stated further, that you consider at present such a check is to be found in the existence of the Board of Control: will you state what in your opinion is the objection to the amount of the supply of civil servants, to be sent out from this country, depending on the requisition of the Governor-General?—The objection that would present itself to my mind is to be found on the records of the Company, and in the Court's letter, which I took the liberty of reading, dated in July 1824, which had reference to the employment of the natives; that letter, in great part, grew out of the requisition of the Bengal government for the appointment of 80 writers; it was not complied with, although the application was made in very strong terms, and the government pointed out their inability to carry on the public service unless some were sent out; I can therefore easily imagine, that the government in India would not be at all backward in demanding a greater portion of servants than the authorities here, as at present constituted, would think fit to appoint. A requisition was likewise made from Bombay for an increase of writers.

1331. I believe the application you refer to from the Bengal government arose out of a particular emergency?—It arose out of what they considered an emergency, but which the authorities in this country did not view in the same light.

1332. Why should you suppose that if a due responsibility were to devolve on the Governor-General in reference to this matter, he would not exercise upon this as upon all other points of his government a due discretion?—Great responsibility does undoubtedly rest upon the Governor-General, and he has the power of doing a variety of acts connected with his government on his own responsibility; and among

among them is that of determining the number of servants he may require. Supposing you were to leave with him the power of fixing the number, and that the same was to be taken as the guide, it is quite clear that one Governor-General has erred on that point to an enormous extent; and I can therefore conceive no check that can be imposed on the Governor-General which can prove so effectual as the present check.

1333. Can it ever be for the interest of a Governor-General to have any considerable number of unemployed civil servants residing in India?—One can only speak from experience: if he made the requisition he would find employment for them.

1334. On the other hand, is it not directly for the interest of those who have the appointments to make at home to increase the number of such servants?—So far as patronage is concerned, I should unquestionably say it is; and hence I think a very wholesome check has been and will continue to be put by the Board of Commissioners, in the event of any proposition being made for which the Board may consider that there is not sufficient grounds; that is one of the checks which I consider most important in the present system.

1335. Do you consider that the Board of Control can have as good means of knowing what supply of this description would be requisite, as the Governor-General in India himself?—I should say, looking at the minute manner in which the authorities at home are informed on all points connected with the government of India, and which I consider to be another most important feature in the present system, they are as well informed as the Governor-General himself, and as capable of judging as to the number.

1336. Are you aware that the Court of Directors, in the letter which you have alluded to from Bengal, reproved the Governor-General for his having named a European to a civil office usually held by a covenanted servant, he not being a covenanted servant?—I do not immediately recollect the case, but I am quite sure they would reprove him if it were so discovered.

1337. Were not some appointments made, under the emergency of that period, of uncovenanted servants, in default of there being a sufficient number of covenanted servants?—I really do not myself know that circumstances of that kind have occurred. I may take the liberty of stating, that under the Act of 1813, Parliament was pleased to legislate that no appointment to the service should take place, but of individuals who had gone through the East India college; and the joint control of the college was at that time vested in the Board as well as in the Court, and as the Board and the Court must have been aware of the events taking place in India, it is to be presumed that they made such a number of appointments as the exigencies of the service required: such indeed ultimately proved to be the fact, especially on the western part of India.

1338. Are we to understand, in the event of the nomination o the writers being made by the universities and public schools, and bodies of tha description, you nevertheless are of opinion that those appointments would be liable to the influence of the Government of the day?—In the first place, as I have before stated, the number to be fixed upon must rest with the secretary of state or minister, be he whom he may, that has the home government of India. If the patronage is to be given

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given to any university, the individuals who are there will of course have the power of conferring it on the parties who may be resident there, unless it is to be done by public competition. You would then know nothing of the parties who would go out; and as human nature is pretty much the same at colleges as elsewhere, I see no good reason to suppose that favoritism would not take place there. I do not see why the individuals at the university should be free from that which operates on others.

1339. I presume always that it would be an appointment in consequence of public examination; do you apprehend the public examiners of those bodies would be liable to favoritism as to the merits of the several candidates?—I should consider the boon as a very large one, and I am not prepared to believe it would be even then free from favoritism. It would be an extraordinary change with respect to the appropriation of India patronage, and I really do not see why all species of patronage should not be dealt with in the same way, if such a change as to that for India is to be made; but I confess I do not myself see any good ground or reason for such changes, either of one or the other.

1340. Can you point out any material objection to the general administration being henceforth in one body?—You mean, I presume, in this country.

1341. As distinct from the two bodies?—I think you would lose the whole of those wholesome checks, if I may be permitted so to call them, which Parliament has devised for the administration of an enormous empire, the concerns of which will always be secondary to European politics; and, therefore, it is exceedingly important to have one body with whom the affairs of the Indian governments should be of primary consideration, whilst at the same time the acts of such body should be controlled, as those of the Court of Directors are at present, by a branch of the executive government of the country.

1342. We have had in evidence before us the list of the proprietors; the classification of the proprietors of East India stock: from that list, and from your own experience of the parties described therein, do you consider that it constitutes a body well qualified, or otherwise, to judge of the fitness of a Director to govern 100,000,000 of the people of India?—I think, with the exception of the members of the two universities, that there is no body of men who possess more intellect, who possess greater means, or who stand higher perhaps in society generally in the classes to which they belong, comprising, as that body does, many noblemen and many members of Parliament. I should say, that a body of 1,500 men, composed as the body of proprietors is at this moment, is by far superior to any body that I know of under the existing system for the election of members of Parliament, or who may exist under any future system that may be adopted; and the proprietors have exercised the power of election by returning individuals to the Court of Directors who have been members of the Legislature, and who in fact have taken part in making those very laws under which the Company's affairs are carried on and conducted.

1343. In what respect do you consider the qualifications of the proprietors of this stock to be superior to those of the proprietors of Bank stock or Long Annuities?—When I am asked with regard to the superiority in point of intellect, I should say, that in the choice of the Directors of Bank stock or similar stock there

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there is little, comparatively nothing, to call forth any exercise of judgment; but with regard to the affairs of the East-India Company, you have to judge of the fitness of a gentleman to take part in the government of a great empire, and to manage the concerns of the Company, and it has been the case that the qualifications of some gentlemen have been so strongly felt, (I may name the late Mr. Grant, also Mr. Edmonstone, now a Director, who was formerly Vice-President,) that when they came forward they were supported by great majorities, in consequence of the knowledge they were thought to possess of Indian affairs. I consider they are placed in a very different situation, and they are called on to exercise their elective franchise in a very different manner from other bodies.

1344. Do you consider that individuals become proprietors of India stock from other considerations than those of the mere profit or loss attending the investment of money in such stock as a commercial speculation?—I could name some possessing India stock who became proprietors without altogether considering the interest they would get by that stock; but superadded to that there are strong inducements for them to become proprietors.

1345. Will you state what other considerations actuate any man who has capital, to invest or lay it out in India stock than in any other public stock?—In the first place I consider that the interest which India stock has given and does give is better; that is a pecuniary reason. With regard to others, it arises from long connexion with India, and from a desire to take part in Indian affairs and in the discussion at the General Courts at the East-India House, where points arise in which they feel an interest from having previously been in India; also to promote the election of their friends, and in the hope of participating in the patronage in some measure.

1346. In point of fact, gentlemen coming from India often become proprietors of India stock in order to keep up a legitimate mode of manifesting the interest which they take in the affairs of the country which they have left?—I have no doubt of it.

1347. The duties exercised by the proprietors of the stock are much more abridged under the present system than they formerly were?—Clearly they are abridged. Formerly they interfered with appointments, and with regard to every measure for the prosecution of the servants for malversation, &c.

1348. They are confined now to the selection of the Directors?—There is no subject which they cannot take up, and I may mention the very subject of the affair at Hydrabad. On those transactions the Court of Proprietors expressed their opinion most fully; they have also conferred grants of money and votes of thanks upon some of their distinguished servants.

1349. Without entering into the question as to the expediency of the formation of a legislative council in Bengal, by the acts of which the whole continent of British India is to be governed, that being matter of opinion, can you state that which is matter of fact, namely, what is the amount of Regulations numerically passed by the different local governments of India since the renewal of the last Charter; what proportion they bear to the state of the law in England during the same period?—The subject of a legislative council having attracted the attention of the

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the public, I have in some measure considered the question, and I wished to ascertain what the great difficulties were which were imposed on the government as it at present exists, arising out of the extent of the Regulations, or the duty which the enacting of those Regulations imposed on it, because as they are justly considered of great importance, the greater the number of Regulations the greater of course would be the labour and the responsibility on the part of the government. The power of enacting Regulations was first conferred on the government by Act of Parliament in 1781. Mr. Burke himself brought in that Act, but the government in India had before exercised the power. The Act of 1781 empowered the authorities at home to disapprove of those Regulations if they saw fit. In 1793, they were formed into a code, and from 1793 to 1830, there appears to have been 741 Regulations passed in Bengal, averaging about 20 every year. At Madras, there have been 213 Regulations passed, averaging not quite six annually; and at Bombay, there have been 223 Regulations, averaging six. It has been stated as one of the reasons why Parliament should be relieved from the labour of legislating for India (a right which I can scarcely conceive it will ever abandon) that the labour would be too great; but when I find that the general and public Acts of Parliament passed since 1793 to 1830 are 5,019, and that the local Acts, which are to be judicially noticed, are 4,622, making an aggregate of 9,641, besides the private Acts, which amounted to 2,677; but taking those Acts which are to be judicially noticed, and the local Acts which have reference to the inclosure of commons, the stopping up of pathways, &c. &c., all of which would be conceived important in India, and in truth they are in some measure parallel with some of the Regulations passed there; I consider that the labour thrown on the government of this country, by continuing the system as it is at present, really cannot be advanced as an argument for the proposed change, were there no other reasons to be urged against it.

1350. Do the Regulations comprehend the whole of the laws for the administration of India?—There are three classes of Regulations. The first are the Rules, Ordinances and Regulations passed by the Government, under the 37th section of the Act of 13 Geo. 3, for the good order and government of the settlement of Fort William. Such Regulations are not valid until registered by the Supreme Court. They are then to be sent to England, and exhibited at the India House. Within 60 days from their being so exhibited, any party may appeal against them. The King may likewise disallow such Regulations within two years from the making of such Regulations. The number of those Rules, Ordinances and Regulations may have amounted to about 130 or 150 since 1773. The other Regulations are those which relate to the internal government of India, and are Rules and Regulations for the provinces. They were first recognized by the Act of 21 Geo. 3. I have brought with me a book which will put the Committee in possession of the manner in which those Regulations are classified; and by reference any existing Regulation may be most easily traced. It is the work of Mr. Augustus Prinsep, of the Bengal civil service. One on somewhat similar principle has been compiled at Madras by Mr. A. D. Campbell, of that service. The third class of Regulations has reference to the imposition of taxes and duties by the Governor, and they are not valid until approved by the Court and Board of Commissioners.

1351. Is

1351. Is it your opinion that the number of new Regulations passed since the last Charter, not having amounted on an average to 32 a year, would be a sufficient justification for not providing the most efficient and most satisfactory council that could be devised for the purpose of making laws for the people of India?—By no means; but the question involves a very large subject. So far as my individual opinion goes, I can have no hesitation in offering it; but it would require some time to enter on the different points connected with the subject. I am decidedly of opinion that it is incumbent on the authorities of this country to provide in the best and most efficient manner for the good administration of India, and especially for giving to the natives of India the most clear, comprehensive, and simple form of judicial administration; but I am not prepared, from the consideration which I have ventured to give the subject, to concur in the opinions of those gentlemen who have stated theirs in favour of a legislative council, and who, I am quite sure, from their character, standing and knowledge, must have infinitely greater weight than any opinion I may give on the subject. The legislating for India has been a matter that has engaged the attention of the authorities in this country, and of Parliament, from a very early period of our government in India. The Supreme Courts were originally instituted for the purpose of rather protecting the natives; but it was soon found that the powers they exercised were most injurious to the natives. Those powers were circumscribed by subsequent enactments a very few years afterwards. The discussions which passed between the Supreme Court at Bombay and the Government of that presidency, appear to me to have given rise to the various questions connected with the influence and power which the Supreme Courts have a right to exercise over the natives of India, and to the proposition for a legislative council for India. In the papers which are put forward in support of the institution of a legislative council, the judges on the one hand support the establishment of the Supreme Court, unless a very material change indeed takes place, whilst, on the other hand, members of the government contend that the Government itself must be supreme, and that the remedy might be applied, as far as the acting courts are concerned, by strictly defining their powers over the natives of India generally. The Government complain of the powers of the Supreme Court not being pointed out, and Sir Charles Metcalfe adverts to the fact that a native of the Himalaya mountains may be brought down to the stifling heat of Calcutta, who, at the same time, may be utterly ignorant of the existence, and much more so, if possible, of the powers or operation of the Supreme Court. Mr. Mackenzie, I believe, has suggested that a registry should take place of the parties who should be liable to the Supreme Court; and in fact a variety of suggestions which have been offered might be enumerated, whilst the remedies pointed out are not less various. The first question is, whether the Supreme Court is to remain as at present constituted? if so, it appears to me the most eligible course would be to define clearly its powers, which I think might be extremely well done in this country, with the aid of gentlemen conversant with India and the practice of the Supreme Court. The other point for consideration is the internal administration of justice for India.

Jovis, 22° die Martii, 1832.

SIR JAMES MACDONALD, Baronet, in the Chair.

I.
PUBLIC

22 March 1832.

Captain *T. Macan*

Captain TURNER MACAN, called in and examined.

1352. IN what service are you?—The King's military service, in the 16th Lancers.

1353. For how many years were you in India?—Twenty-three years actual residence.

1354. During that period did you discharge also any civil functions in India?—For the last 12 years of my residence in India, I held the situation of Persian interpreter to three successive Commanders-in-chief, Lord Hastings, Sir Edward Paget, and Lord Combermere. It cannot be called a civil function, it has always been held by a military officer.

1355. Did the duties of that situation necessarily bring you in contact with the civil servants of the Company?—With the exception of the Persian secretary to government, the residents at native courts, and political agents, the duties of that situation did not bring me in official contact with the civil servants of the Company, but it brought me in contact with the natives of India, both in correspondence and in personal intercourse.

1356. Were you conversant with any other Oriental languages than the Persian?—The Persian, Arabic, and Hindostanee are the languages I am conversant in, but most so in the Persian.

1357. Have you had occasion to observe the amount of qualification in Oriental languages with which young men generally have proceeded from this country to India?—Having resided for the greater part of the last 12 years in Calcutta, and having accompanied the Commanders-in-chief in their tours of the Upper Provinces, I became acquainted with the Oriental qualifications of most of the writers appointed to that presidency and zemindary. The amount of their knowledge in that department has been very trifling, I mean the amount brought from England.

1358. In what manner has it been attempted to supply that defect on their arrival in India?—By a College founded by Lord Wellesley in Calcutta.

1359. Is it your opinion that the system adopted at that College was well calculated to the end of grounding the young civil servants rapidly and efficiently in the Oriental languages?—The system pursued up to the period that Lord William Bentinck took charge of the government was not calculated to insure rapid progress in any Oriental language, though if the student was inclined to study, it afforded every facility to his doing so, but did not oblige and enforce it. The College at Calcutta has been a source of more debt than knowledge in the civil service, and has been an expensive establishment for the end proposed. For some time after its foundation, it was not uncommon for writers to remain in College for two and three years, during which period the government lost all use of their services.

1360. They

1360. They were also at considerable expense in maintaining them?—They were drones to the Government, and I should say at an annual expense for each individual of 600 *l.* or 700 *l.*, nor was it found that the length of time they remained added to their qualifications as Oriental scholars. The College of Calcutta I have mentioned as being a source of great debt. Situated in a luxurious capital, where there is every temptation to idleness and extravagance, and great facility in raising money, it has tended in a great degree to induce expense far beyond the means of the writers; and as a proof of this, I will only mention, that a few years back, when an estimate was taken of the debts of the civil servants, which they were called on to divulge, and which I believe they did tolerably fairly, the amount was, as nearly as I can recollect, about a million and a half sterling.

1361. State the numbers and the period that it embraced?—The entire number of the civil servants on the establishment could not have been above 450. The debt was confined comparatively to few. I know not the number; and I believe much of it to have originated in college extravagance. It was not uncommon in former times for young men to leave college with a debt of from 50,000 to a lac of rupees, on which they were generally paying an interest of 10 per cent., with an insurance on their lives possibly amounting to five per cent. more. This was if they borrowed it from agents; but it sometimes was borrowed from natives, who lent it not so much for the sake of the interest, but with the hopes of profiting by their patronage when appointed to official situations; and in this manner a civil servant lost much of his independence. For the first 10 years of his employment in civil administration, he was seldom able to pay even the interest of this debt, which accumulated with fearful rapidity; and many civil servants, after a residence in India of 28 or 30 years, after having held high official situations with a salary of perhaps 40,000 rupees a year for 10 years or upwards, have been unable to shake off the embarrassments occasioned by college extravagance.

1362. Those individuals, then, appear to have anticipated the fruits of that preferment to which they considered their writerships as having given them the right?—The debts were originally contracted in the reckless extravagance of youth, without any consideration of the future, but for the gratification of the present moment. The assembling of young men in a capital like Calcutta, where there is a temptation to every extravagance, and where a great facility exists, or rather did exist, of raising money, induced the extravagance I have spoken of.

1363. Do you attribute nothing of this recklessness to the nature of their appointment, which holds out to them an almost certain expectation of lucrative employment?—Undoubtedly much is to be attributed to this cause. To show that the extravagance is founded upon the anticipation of lucrative employment, I need only mention, that young men in the military service, who have not even one half of the allowance of a writer upon their arrival, and have more to do with it, have not got in debt, and could not if they had wished borrow even one tenth of the money that has been profusely lavished on writers; so that the lender as well as the borrower has anticipated the effects of lucrative employment.

1364. In your time do you remember many instances of young men having been sent back to England from want of due qualification for preferment?—I cannot recall one instance.

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1365. Should you say from your experience that the young men so appointed possessed more than the average qualifications for civil appointments that you would find among an equal number of young men taken from this country at random?—I think, considering the age at which they have been sent out, their qualifications have generally appeared to me to be far above mediocrity; and if the regulated tests for those who are admitted into the service without having been at the East India College in England, are strictly enforced, it will always ensure a sufficiently high degree of education. I think the age at which they go to India, with reference to the important duties they are almost immediately called upon to perform, is not sufficient; they are too young. The age of 20 would be better than 18. Formerly, when a young man after his arrival remained two or three years in college, a case not uncommon, this objection (if due attention had been paid to his further instruction) would not have had so much force. Generally speaking, the civil servants, I should say, are men of considerable capacity for business and great assiduity; but I think, when their previous education is considered, and the important duties they are called on to perform (duties connected with the philosophy of legislation in all its branches, and calculated to call forth latent talent wherever it exists), they have not generally shown so much ability as might have been expected.

1366. Do you consider the amount of requisite qualification in this country as being too high or too low?—I think, for their age, the amount is neither too high nor too low; but I would wish the tests to be strictly enforced.

1367. Should you propose to substitute any other tests of qualification for those at present resorted to?—Not unless they went out at a more advanced age, say at 20, in which case I would make some knowledge of jurisprudence a necessary qualification.

1368. Would you require any test of the knowledge of Oriental languages?—Yes; I would require a knowledge of the general principles of the Persian and Hindostanee languages; in fact, the test that is now in force.

1369. Supposing them so grounded, by what mode of disposing of them after their arrival in India, should you imagine they would best arrive at the utmost degree of proficiency in the languages?—The judicious regulations and alterations made by Lord William Bentinck in the College at Calcutta, seem to claim for that college a trial of its success. I am of opinion, that under its present able secretary, and under the present enlightened Governor, the College of Calcutta will be found to answer all rational expectation, and that the students will acquire in a short time sufficient Oriental knowledge, without contracting debts; but I am decidedly of opinion, that a preferable mode of disposing of the civil servants after their arrival, would be to hasten them into the Mofussil, but not to collect too many at any one station. I would not have more than three at any one place; and at those stations native teachers should be kept on small permanent salaries from government, their full salary to be made up by those who employed them. The civil servants thus disposed of should be required, after three months, to attend the court of justice and the revenue office of the station, to qualify themselves in the practical details of those duties; and on a report from the civil authorities of those stations, they might be sent to Calcutta for final examination, for which purpose two professors would be adequate, in addition to the secretary.

1370. Does

1370. Does any peculiar public advantage appear to you to arise from the congregation of the young men destined for India in a large body in a college, previous to their departure for India?—I should say the reverse; and I consider the East-India College in England a useless expense to the government.

1371. You think that the grounding of the Oriental languages might be fully as well accomplished by individual masters, if due encouragement was given to them, as by the aid of professors at high salaries at college?—I have not the slightest doubt of it.

1372. Do any of the evils and disadvantages respecting the writers, to which you have referred, appear to you to arise in any degree from the principle of their appointment?—A writer may have gone greater lengths in braving the orders or regulations of government, from the consideration of the support of that patronage by which he was nominated, though I should not say that this extended to any number. I do not think that the debts of the civil service, or any other evils I have alluded to, have in any way originated with the mode in which they have been appointed; but I conceive that if superior qualifications were made the test for appointment to India, that is, if competition instead of patronage was the mode by which vacancies to all departments in the Indian service were filled up, you would undoubtedly have men of higher attainments in every branch of the service; in fact, command a great portion of the talent of England for the Indian government. In this case the tests of qualification for a writer should be higher and of a different nature to those required for the military service, and those again should vary according to the branch in which they were destined to serve. By these means, the candidate should have his option of what test he would stand, whether for the civil service or the military, and what branch of the military.

1373. You have stated, that during your 23 years' residence in India you have had occasion to make frequent tours in the provinces; has your intercourse with the natives on those occasions been considerable?—It has, partly from official duty, partly from my Oriental pursuits. I have occasionally corresponded* and held personal intercourse with almost every native of rank and talent from the Sutledj to Calcutta; and from my not holding any official situation under government, which would make them cautious in communicating their opinions, our intercourse has been very unrestrained; and many of them have censured government institutions and individual characters with as much freedom and, I have no doubt, justice, as they have lauded other parts of our civil administration and functionaries.

1374. Generally speaking, how have you found the natives affected towards the British Government?—I think they have almost universally acknowledged the superiority of the British government over all former Asiatic government; and the learned men have frequently observed, that we have realized in practice the theoretical perfection of the Institutes of Acbar. They admit our intentions to be always

* Epistolary and personal intercourse between the Commander-in-chief, during his tour of India, and native chiefs, is confined to expressions of mutual regard. The chiefs often attempt to introduce questions involving their political connexion with the English Government, but they are always told that his Excellency's tour is purely military, and that absent from Calcutta, he meddles not in civil administration.

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always good, but they censure many of our regulations and much of our system, both judicial and revenue, as not being founded on sufficient experience and data. The tardiness of justice they complain of as the greatest of evils. In giving these favourable sentiments of the natives on our government, I do not mean that there is one man of them that would take up arms to defend it; on the contrary, except the mercantile population of Calcutta, or those connected with the mercantile interests generally, I do not believe there is a native in India who would not desire a change.

1375. You find, then, the educated natives universally conversant with the details of the British government in India?—Not universally conversant either with the regulations or details, but with the practical effects of the administration.

1376. You have stated that you consider that for the most part they would desire a change; will you define more particularly what you contemplate by the word change?—Any native government instead of that of the British; I mean that our rule in India is supported, not by the justice and wisdom of our laws or the love of the people, but by our military supremacy alone.

1377. Do you consider that they appeared to feel themselves aggrieved by their exclusion from what they would deem a share of the civil administration of the affairs of their country?—I think a due share in the administration of the country would tend to attach them more to our government, and make them feel an interest in it, which they now do not.

1378. Will you state to the Committee your opinion of their capacity for being admitted to a larger share of the administration of the government?—Their intellectual capacity is undoubtedly great; their moral capacity has been much doubted, but under an arbitrary government, where every man who holds a public situation was supposed to be necessarily corrupt in extent to his powers, and was treated as if he had been, whether innocent or not, there was no encouragement to morality or virtue, and a man who could not escape the suspicion of corruption, would endeavour to have the sweets of it. The natives of India are acute and intelligent, have great capacity for business, and, in fact, much of the business of India is now transacted by the native Omlah, without the responsibility attaching to it.

1379. Will you explain what you intended by the observation, that every individual was considered corrupt in proportion to his powers, and treated as such?—I mean under the native governments; but this sentiment still obtains with natives, and has a baneful influence on moral character.

1380. By what means should you propose to ameliorate any existing moral defects in the character of the natives?—By education; more particularly instruction through the means of the English language, and employment in civil administration.

1381. Do you believe that a general system of education, coupled with opening to the natives all such civil offices as they might become competent to fill, would have that tendency?—I think it would; if you give a man something to lose, he will be cautious how he loses it. I think their employment should be limited to the judicial and revenue branches of the service. A great part of the expense of our executive administration would undoubtedly be lessened by the employment of more natives and fewer Europeans.

1382. In

1382. In those situations in which they have hitherto been employed, has not their remuneration been remarkably low?—Considering what has been ostensibly required of them, and the degree of responsibility attaching to their situations, I think their salaries have been fair: but in the future employment of natives in higher situations, I would raise their salaries according to the importance of the situation, and the degree of responsibility attached to it, so as to give the strongest inducement to good conduct.

1383. You are of opinion that an inadequate amount of compensation necessarily leads to dishonesty?—Undoubtedly, in the native character.

1384. You have stated that you consider the introduction more generally of the English language as a great object, with a view to the better establishment of our power in India; by what system does it occur to you that it might be more generally introduced?—I would propose, that a proclamation be issued in Calcutta, stating, that at the end of a specific period, say five years, which I think sufficient, the proceedings in all the courts under the Calcutta circuit should be conducted in the English language. I have not the least doubt that, at the end of that period, more than double the number of persons qualified in that language would offer themselves. In the schools in Calcutta there are many Hindoo boys who can read English, even Milton and Shakspeare, with much fluency, and explain difficult passages in those authors. The language now used in the different courts of justice is as foreign to the natives of the country as the English language. I except Bengal and Orissa, because in those provinces the use of the vernacular dialect is optional; in all other provinces the Persian language is used: it was forced into judicial proceedings by Mahomedan conquerors, and is not understood by any one of the witnesses that are usually examined, and but imperfectly by the native officer who takes down the evidence, and perhaps still more imperfectly by the judge. The language of correspondence between the native courts and the government is also Persian, and three-fourths of the native chiefs with whom this correspondence is kept up, do not understand one word of it; so that they are obliged to keep a moonshee to read the letters that are received, and explain and answer them; and I do not see why, in the course of a short time, such correspondence should not be carried on in English; for they would only have to keep an English writer or translator instead of a Persian, and it might induce them to make their children study the English language*. At all events, the Governor-General and public functionaries would know what they were writing to the native chiefs, instead of depending upon their Oriental secretary. The Mahomedan princes are generally more or less acquainted with the Persian language; but the language of their courts is Hindostanee. They are but very imperfectly acquainted with Persian.

1385. Would not the making the acquisition of the English language, after a certain period, a necessary qualification for office on the part of a native, operate, in your opinion, as a powerful stimulus to the dissemination of the language in India?—It would ensure it.

1386. Was

* The Raja of Bhurtpore had begun to study English before I left India.

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1386. Was not the attempt of the Mahomedan conquerors to introduce Persian unsuccessful?—It succeeded so far, that the proceedings in their courts and the whole of their correspondence was conducted in it.

1387. But in a very imperfect degree?—It was universally adopted by Mahomedans in all proceedings in their courts; depositions were taken in it, and it was the language of correspondence.

1388. But still very ignorantly taken down?—Most probably.

1389. Then what greater probability would there be that the English language should be more generally adopted than the Mahomedan, which was introduced under a very despotic government?—Their religion might be propagated by the sword more easily than their language. They used none of those means for disseminating their language which would be resorted to by a civilized and a philosophic nation, and the intercourse with the inhabitants being at first a good deal embarrassed by the want of some common language, gave rise to the language which we call Hindostanee, but which is properly called Orrodo, meaning "Camp;" for when the Mahomedans first invaded India, they seldom inhabited villages or cities, but remained in camp, and the intercourse between the people of the country and the camp gave rise to a language the nouns of which were generally taken from the Arabic and Persian, some few from the Turkey and Sanscrit, the particles and verbs from the vernacular dialect of the country. This language, however, has never been used either by the Mahomedan conquerors or by ourselves as the official language of business, and I do not think it is well adapted to it.

1390. Do you not think that the language and character and institutions of a country are so intimately blended, that you will deprive the natives of their peculiar aptitude to business, by making them transact it in a foreign language?—I think for a considerable period it might have that effect.

1391. Do you not think it would be received by the natives of India, whom you describe as having no great attachment to us, as a foreign intrusion, and a badge of servitude?—They have shown the greatest desire in Calcutta and its vicinity to learn the English language, and have gone to considerable expense for that purpose. I did once imagine, that in the distant provinces the introduction of English would be considered in the light put in the question; but on visiting Delhi three years ago, I found a school for English instruction had been lately established there, and although it was only on a small scale and very inefficiently conducted, yet I think the natives viewed it with pleasure; and I have heard them express great regret that scientific instructors were not sent from England, or were not procurable in India. The want of competent instructors is indeed loudly complained of in Calcutta; the natives are fond of abstract sciences *; they delight in metaphysical speculations, logic, astronomy, medicine and mathematics; they show great aptitude in every thing but a knowledge of geography, and of that they are totally ignorant.

1392. Are

* Many years back a Mahomedan paid a considerable salary to a European gentleman to teach him Latin, and to read with him Newton's Principia.

1392. Are you acquainted of any instance in the whole history of the world of a people adopting a foreign language, or have they not always formed a blended language of their own and that of the conqueror?—I am not at this time prepared with any instance of that kind. I know not how far the Romans forced their language upon Spain when they conquered it.

1393. You are aware of the rapid disappearance of the Celtic language in Scotland and in Wales?—Yes.

1394. Is the instance you have mentioned at Delhi the only instance in your knowledge of a voluntary effort on the part of the natives?—It was not voluntary. The school at Delhi was one established partly by the assistance of government, and partly by individual exertion; it was very inefficient, and was situated in a very prejudiced and distant part of our empire, the residence of the king of Delhi. In Calcutta all the natives of rank and talent, particularly Hindoos, exert themselves in promoting the study of the English language; and the Mahomedans, though they have not shown the same striking desire on this subject, have yet evinced no opposite feeling. The secretary of the Mordursah, that is, the Mahomedan College for teaching Arabic and Persian, in Calcutta, a man of character, talents and influence has frequently stated to me his conviction that the Mahomedans would acquire the English language as quickly, and with as much desire, as the Hindoos, if encouraged.

1395. Do you think it quite safe to argue from the fact, that there exists among the natives of India a disposition to study the English language for the purposes of science or general information, that they would see with pleasure any attempt to engraft the English language upon the institutions of the country?—In speaking of the natives, we must always distinguish the two great divisions, the Mahomedans and Hindoos; what is applicable to the one is not always applicable to the other. I do not think they have ever contemplated the question in the way stated. I consider that the Mahomedans would not be at any expense or trouble to study or acquire the English language for the sake of the sciences, or for any knowledge they would acquire; with them the knowledge of Arabic, in which the Koran is written, is paramount to every thing, and their most learned men are, after all, what would be considered very ignorant in any European country. The whole of their learning consists in a little knowledge of Euclid, Ptolemy's Astronomy, some mutilated extracts from the writings of Aristotle and Plato, on which is founded their system of ethics; but above all, their character for learning principally depends on their knowledge of judicial theology, as the whole of their law, both criminal and civil, is taken from the Koran. With regard to the Hindoos, there is a marked difference between those who have resided in Calcutta and are in constant intercourse with Europeans, and those who have not had those advantages or disadvantages. The former show an evident desire to be acquainted with the English language, and every thing connected with our literature, government and institutions; and a few have evinced this when there has been no hope of employment or pecuniary reward of any kind. I cannot but think that the hope of participating in the emoluments and dignity of civil employment would stimulate even those in the Motussil, who have hitherto shown lukewarmness on the subject, to greater exertions and rapid proficiency. The Hindoos would, I think, view the introduction of the English language into our

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our judicial and revenue proceedings rather with pleasure than indifference. I am doubtful of the Mahomedan feeling, but I am rather inclined to think if it was judiciously done with proper explanation, at a fitting time, and with great attention to the feelings and prejudices of that class, that it might be quite safely done; nay, I have no positive reason to think that they would not look upon it, however introduced, as a matter of indifference; with this exception only, that it would affect their immediate interests, inasmuch as it would throw out of employment many who are now in office, and render those qualifications by which many have fitted themselves, and are fitting themselves for office, nugatory.

1396. Should you not consider the last topic you have adverted to as a reason for introducing such a change very gradually, in case it was considered desirable?—I do most particularly think that all changes in India, even though decidedly for the better, and when there cannot be a shadow of doubt as to the improvement to result from them, should be introduced with the greatest care and deliberation. Our changes have been made too hastily, and with too little deference to former institutions and present opinions and prejudices. I would therefore limit the first introduction of the English language to the circuit for Calcutta, or even a particular court in that circuit if necessary, and not until after a period of five or six years' notice or more, at the discretion of the Governor-General in Council; but I have not the slightest hesitation in saying, as I have before stated, that ere that period would have expired, more than double the number requisite to perform the duties would offer themselves, and that they would be chiefly, if not altogether, Hindoos.

1397. Can you tell to what extent the Hindoos were employed by the Mahomedan princes in the courts of law previously to the occupation of India by the English?—The employment of Hindoos in the offices of government under Mahomedan rulers, depended much upon the character of the ruler; they were very much employed in the revenue departments, and scarcely any distinction was made between them and the Mahomedans; and during the reign of the Emperor Acbar, whose financial minister was a Hindoo, named Tudor Moll, I do not believe Hindoos were employed by Mahomedan princes in courts of law.

1398. Are the interpreters generally Hindoos or Mahomedans?—They are generally Mahomedans, but sometimes Raytes, who are a race of Hindoos. In some districts Raytes are much employed, and are considered clever men of business.

1399. Do the lower classes of Hindoos, who are about the families of Europeans as domestic servants, acquire the English language at all?—Not at all in the Bengal presidency, but they do at Madras.

1400. Do you not think that the native character is invariably deteriorated, as it is attempted to be assimilated to the European character?—I think the natives who have assimilated in dress and habits with Europeans, have frequently acquired their vices without their virtues. I confine this principally to the lower orders, for there are some natives of wealth and rank in Calcutta, whose knowledge, talents, and respectability have been considerably augmented by their association with Europeans; but all imitations of European dress and habits is generally viewed with dislike by both.

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1401. Can you give any rough estimate of the number of natives at Calcutta, who have attained anything like a proficiency in the English language?—I cannot give any approximation to the number. It may be found, I think, in an account of schools published by Mr. Lushington.

1402. They are not very numerous, the number of natives at mature age who have acquired the English language?—I do not think it possible for a native to acquire *much proficiency* in the English language after the age of 30.

1403. Would you not attribute the circumstance of the natives having deteriorated as they imitated the manners of Europeans, to the circumstance of their having adopted it from imitation and not from education?—Yes. When I said assimilated to Europeans, I did not mean those assimilated by education; I meant the uneducated, whose intercourse was confined to the lower orders of Europeans, and who had suffered much in their morals in consequence.

1404. If you think that a native of the age of 30 would never acquire the English language, from what class do you propose to draw the officers in five years?—A native who was to start at the age of 30 to learn the English language would not probably be competent to perform the duties of an officer of the court after 20 years' study, but there is an abundance of natives in Calcutta who have studied from their youth, and who are now studying and making great proficiency in English. At a late examination of the English native scholars at the Government-house in Calcutta, they showed wonderful proficiency and critical knowledge of our language; they read from the works of Johnson with fluency and ease, and I have heard a few natives read and explain Milton and Shakspeare.

1405. You were understood to apply the period of five years solely to the precincts of Calcutta itself, and you proposed gradually to extend the circuit?—I mentioned 50 years as the probable time it would take to extend the English language to the courts in the Upper Provinces, and even then it might not get above Allahabad; five years I mentioned as the time within which a sufficient number of candidates could come forward to fill the situations in the courts within the Calcutta circuit; or, as I have said, if not sufficient for that, then to fill the offices in one court under that circuit, at the discretion of the Governor-General in Council.

1406. What is the proportion of the Mahomedans and Hindoos?—It varies very much in different provinces. In Bengal and Orissa the Hindoos are, I should say, 20 to 1; in the province of Rohilcund, the Mahomedan population is considerably greater than the Hindoo; upon the whole, the Hindoo population is considerably greater than the Mahomedan, I should say 8 to 1.

1407. Has the Mahomedan faith gained upon the Hindoo, or do they remain much in the same proportion?—I do not think the Mahomedan faith has gained much upon the Hindoo since it has ceased to be propagated by the sword.

1408. Is there any attempt at proselytism on the part of the Mahomedans?—No active attempts; they are always glad of making a proselyte, but I do not think they use any very active measures for converting the Hindoos, or show that interest in the subject now that they did some years ago.

1409. Do they act perfectly well together, without any regard to each other's faith?—Yes; but the fanaticism of the Mahomedans, though it may have slept for a season,

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a season, is ready on any occasion to awake and act with all its usual violence and destruction.

1410. You stated in a former part of your evidence, that you were of opinion that the inhabitants of India of rank generally would see with pleasure the substitution of any Asiatic government for the English Government; do you believe that sentiment to be shared by the lower classes of the inhabitants of India?—I believe it is. One reason why the men of rank and the independent chiefs dislike our government is, that they can have no hopes of conquest or bettering their situation in any way. Under the Mogul government they had such hopes; and as a proof of what respect is still shown to that government and to the Mogul, I would only mention that there is not, I believe, a native prince in Hindostan who has not upon his seal engraved these words, "The Servant of the King of Delhi," except one individual, the Rajah of Duttea, who, in gratitude for the rewards he received from the British Government, for his attachment and assistance to us during the last Pindarree war, has put on his seal, "The Servant of the King of England." For though the Mogul government trampled on all the institutions of the Hindoos, destroyed their temples, and built on their ruins their own mosques, the Hindoo chiefs would still generally prefer the Mahomedan government to the British.

1411. You mean from the probability of their enjoying a greater license under an Asiatic government than they can under the English?—Yes.

1412. You attribute therefore their disaffection to the justice and firmness of the British Government, and not to any imperfections that existed in it?—I attribute it to the destruction of all their hopes of conquest and independence. With regard to the lower orders, excluded from all participation in the honour or profits of our government, they cannot feel as much interested in it as in a government in which the lowest individual might hope to rise to rank and power by his personal exertions. Their common sayings, their tales, their aphorisms, are full of allusions to those vicissitudes of human life, by which the humble and obscure are so often elevated. Under our rule, a native has nothing to look forward to, and has no motive of attachment to our government, though administered with more justice and attention to feelings and prejudices than any former government.

1413. Are you then of opinion that no improvements in the European system of government would reconcile the native population to it, unless it were possible to infuse more spirit into the native population, by throwing the door much more widely open than it is at present to their arriving at posts of distinction and importance?—I think it is impossible, without some such participation in our government.

1414. Do you think it would be impossible to make such participation compatible with the existence of the English government?—I think, for a long period, the participation should be confined to the departments I have before mentioned, viz. judicial and revenue; I exclude political or military.

1415. Would judicial or revenue functions be any temptation to the natives of rank and ambition?—I think they would.

1416. Is the judicial character highly esteemed among the Hindoos and Mahomedans?—Very much.

1417. You conceive, then, that the disaffection of the native population to the European government is founded rather on political than religious grounds?—

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I think so: we have never interfered directly with their religion, though they begin to complain, that if we do not directly interfere, we at least wink at, if not encourage, interference.

1418. To what circumstances do you particularly refer?—I refer to the sentiments of many talented natives, Mahomedans, who have spoken to me of the countenance shown by Government to missionaries, and to the excesses to which missionaries have gone in censuring their religious habits, even in the streets. One of those missionaries mentioned to the mixed population he was addressing, "that they hoped for pardon through the intercession of Mahomet, but that he was in Hell at present, and that they all would follow him if they persisted in their belief of his doctrines."

1419. Do you entertain any apprehension that anything like an official introduction of the English language would greatly strengthen the apprehensions of the natives of some interference with their religion?—I think, with due precaution on the part of the Government, it is not to be feared; the most prejudiced natives are willing and ready to admit that, with the exception of what I have said regarding missionaries, Government have hitherto held their faith with respect to religious toleration, though some doubts may have lately arisen upon that subject, in consequence of the abolition of the suttees.

1420. Do you consider the state of feeling of the Mahomedan population to be such, that it would be disposed to make any demonstration in favour of any other European power that might attempt to disturb the British dominion in India?—We took India from the Mahomedans, I may say, and the Mahomedans are most discontented. It is true, that before we conquered the Upper Provinces, the Mahomedan power had sunk into insignificance, and that of the Mahrattas prevailed; but the vicissitudes in Asiatic empires are so frequent, that the hopes of rising, however fallen the condition of a State may be, is never absent from their minds; and though the Mogul was in confinement when we conquered the Mahrattas, and cruelly treated, having had his eyes put out, yet he could still anticipate with confidence an end to their dominion and his misery. This is not the case under the British government. I do not say that the Mahomedans have relinquished all hopes of expelling us from the country; on the contrary, I believe such hope to exist in the breasts of many of the higher Mahomedans; and I think they would join any European power, even with but a slight prospect of success, in hopes of casting off the certain thraldom in which they are now held, for any future contingency. I should say, generally, that the Hindoos were considerably more attached to our rule than the Mahomedans.

1421. Were you ever in that part of India where the French power at one period was very preponderating, towards the southern part of India?—I have never been in the southern parts of India; but perhaps the French power never was so strong in India as that which existed under Scindiah. It was the French power under Scindiah which possessed almost the whole of Central India, conquered the Dooab, destroyed the power of the Mogul, and held him in thraldom on his throne at Delhi, and extended their conquests to the Sutlege. It was against this power that all Lord Lake's campaigns were directed; and it is a common saying with the Indians, that with the French Scindiah conquered Hindostan for the English, and that

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that we gained it by conquering him and them. The forts of Agra, Allyghur, Gwalior, and a vast number of others, were all in the possession of that chief and his French officers; he had battalions regularly disciplined, and the finest train of artillery ever brought into the field against us by any native power; and he opposed us in more hard fought battles, with the exception of the battle of Assye, than I think any other native prince has ever done since.

1422. Was not it the system of the French government rather to conform to the character and habits and usages of the people than to induce them to adopt theirs?—The French in Hindostan consisted of a small set of ambitious but enterprising individuals; they never had established a government, they possessed no territory and no subjects. I am speaking now of the Bengal presidency, not of the Carnatic They were the servants of the native chiefs who employed them; they readily induced the natives to follow their mode of discipline in preference to their own, and every thing connected with the science of war, such as the founding of cannon, &c. was submitted, I believe, to their sole direction; but in every other respect I believe, they scrupulously endeavoured to follow the native customs.

1423. Do you not think that the French are more popular in India then we are, and that they have left a stronger feeling of attachment to them than we have been able to acquire?—Of those parts of India in which the French had establishments I am ignorant. With regard to the character of the Frenchmen I have spoken of, they were all officers, and had enormous patronage, great salaries, and could reward to almost any amount; they have therefore left a good reputation behind them in India; but this is not confined to the French. No man has left so high a reputation in India as an Englishman who went out before the mast in a ship, from which he ran away, and established himself in the west of India at Hissar; conquered a vast extent of country, and ruled it with justice and wisdom for several years, until he was conquered by General Peron, of Scindiah's service. This man's name was George Thomas, and the natives to this day speak of him with the most affectionate regard, and the highest admiration. A native's attachment is generally in proportion to the gratification of his interest.

1424. With regard to the actual state, and feeling, and disposition of the natives in the Bengal provinces, where the permanent settlement has been established, do you not conceive that the zemindars of that country feel an interest in the continuance of the actual state of things?—I think they do. I think that in Bengal Proper we are looked upon, perhaps, more as protectors than conquerors.

1425. By all classes?—I should say by the mass of the people.

1426. Is it not then your opinion, that by the extension of a similar system through every portion of our dominions in India, the co-operation of the native landowner in our favour might be more generally obtained?—I do not attribute the feeling in Bengal to that cause alone, or chiefly to that cause. That system of permanent settlement was undertaken in ignorance, and founded in injustice. This has been clearly proved since. We gave permanent hereditary property to many who had but a temporary interest in it, and some who had none at all, and many attempts have been made since that settlement to remedy the defects of it; sometimes to relieve the ryots from the power of the zemindars, sometimes to give authority to the zemindars, to enable them to collect their revenue from the ryots.

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But such are the evils still connected with that system, that one of the last acts of the late Mr. Harrington, who was a member of council at Calcutta, was a very long Regulation to remedy those that had arisen from that system. This Regulation was not passed into a law, as it was considered generally by the service a remedy worse than the disease. If such a system were adopted in the Conquered and Ceded Provinces, it would only be extending injustice, which unfortunately in the first settlements made in those provinces was too little guarded against; and I do not believe that anything connected with the permanent settlement would attach the natives more generally to us, than a settlement of 25 years or any other period.

1427. You referred to the instance of a rajah who, in order to show his gratitude for favours conferred upon him by the British Government, put upon his seal, "The Servant of the King of England;" do you conceive that, with a view to further encouragement of the natives of consideration, it might be desirable to devise means of conferring upon them marks of personal distinction?—I think it would have a decidedly good effect; such a project, I believe, has been considered by the government of Bengal, and it was proposed to give such power to the Governor-General. I think, however, it would have more weight if it came from the King of England.

1428. The dresses of dignity are now conferred, are they not?—Yes, honorary dresses, which give no permanent distinction; they are called kellauts.

1429. Do the natives look upon the British as benefactors to their country in the way of great public works and undertakings, in comparison with our predecessors in that country?—It was the taunting and just remark of Burke, that if we were driven from India there would be no monument or trace in 20 years of our having governed that vast empire. I consider the opening of the canal at Delhi to be one of the principal, if not the only public work we have undertaken beneficial to the country. The revenues of the country have not been sufficient to support our great establishments, and to undertake at the same time any of those expensive public works; and in any future introduction of the natives into the administration, care must be taken to get rid of some of the present expensive establishments, for our revenues are already but barely sufficient to support the present disbursements. Under native governments the aristocracy of the country were natives, who spent their money in it; and whatever they acquired, either by salary, exaction or corruption, was frequently spent in public works, beneficial to the community, such as digging wells, planting groves of trees, building serays for travellers, opening watercourses, and thus making fertile lands of deserts. That aristocracy has been destroyed by our government, nor will the revenues of the country afford us to replace it in a manner, by the introduction of natives into our civil administration, without getting rid of some part of our expensive European establishments, who never think of spending the money they receive from the country in and for the country. Great public works, of which traces remain, were frequently the acts of private individuals under former governments, sometimes from the vanity of transmitting a name to posterity, sometimes from religious motives.

1430. From the revenue derived from the soil of India, exceeding 20,000,000, you conceive no portion can, under the existing system of administration of Indian affairs, be set apart for the improvement of the country in such works as aqueducts,

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ducts, canals of irrigation, great roads, and other essential improvements?—I believe it will be found on examination that since the renewal of the Charter in 1813, when the revenue and commercial accounts were directed to be kept separate, that the revenues of India have never covered the expenses within nearly a million sterling (I may be wrong as to the actual amount, I believe it is between half a million and a million), except in one year, when there was a small surplus; under such circumstances, unless reductions are made somewhere, we have nothing left for great public works of utility; but I must confess that there has been an unnecessary waste of public money (in the building and other departments) not always connected with public utility. I may instance the Mint in Calcutta, which I believe, first and last, has cost nearly 30 lacs of rupees. Many of the public offices of Calcutta are also instances of what I mention. The house for the Board of Opium to consult in for a few hours during the day, cost the government 1,20,000 rupees; and these houses have been too often built more with reference to the convenience of some member of the Board, or the secretary, who is to inhabit them, than the official duties to be performed in them. The system of offices in Calcutta is altogether bad. A public functionary gets a large office rent, with which he often hires a dwelling-house, and appropriates perhaps the lower story of it to the office for public business; such a place as his office is confined to in that house might be obtained for one-third of the amount; besides, great inconvenience arises to a person who has to transact business with those offices: he finds them at a distance of a mile or a mile and a half from each other, and he is often handed from one to the other several times before he can get his business done. Now, if the College in Calcutta was abolished, and that long range of building appropriated to public offices, considerable expense would be saved. I believe this idea occupied Lord Wellesley's mind.

1431. What is the amount of office rent?—Four or five hundred rupees per month; but it varies in different offices.

1432. The return from such public works as aqueducts would be enormous, would it not?—Very great. Some individual did offer to open canals, if permitted to receive the emoluments accruing from increased irrigation, &c. for seven years; and the benefit that has arisen, and the blessings which Delhi has experienced from the opening of the canal that flows through that city, are very great, and spoken of by the people with gratitude. The King of Delhi, upon the occasion of the water coming into that city, went out in solemn procession to meet it.

1433. Are there not very advantageous works of the kind that might be completed in the Deccan, productive of enormous results, and at a little expense?—I have heard there are large embankments to confine the water that falls in the monsoon.

1434. Should you not think it desirable that works under such circumstances should be undertaken by companies, under the encouragement of government, rather than by the government itself?—I do not think the state of society at present in India gives much reason to hope that such companies could be formed; it would be advantageous if they could; the only instance of the kind I know of is the Saugur Island Society.

1435. Would Europeans be likely to invest their capital in works of that sort? —I think there is much error upon the subject of European capital in India.

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1436. Under the existing law that restricts intercourse with India, is it probable, in your opinion, that any companies would be found to undertake such works?—I think Europeans who have acquired capital in India, might undertake such works, with proper encouragement; but I scarcely can anticipate so much enterprise and risk as to take capital from England to invest in such speculations; in truth, capital is, I believe, never taken from England to India; it is made there, and remitted home.

1437. Have we not constructed a great military road through a part of Malwa?—There is not such a thing as can be called a great military road in any part of India; the best road is that from Calcutta to Cawnpoor, called the New Road. I have gone up it seven or eight times, and there are many parts of it scarcely passable in wet weather. I am told it is under the contemplation of the government to make a good road of it.

1438. Has not a road been made from Calcutta to Juggernaut?—The road from Calcutta to Juggernaut was made with money left by a Brahmin, with some little addition from government.

1439. Is there not a great line of road through Malwa, upon which great expense has been incurred in carrying bridges over torrents?—I am not aware of such a work; small bridges may be thrown over some of the mountain torrents at the expense of a few thousand rupees; but there is not what would be called a good road throughout India, except the road to Barrackpoor, the seat of the Governor-General.

1440. Would a road through India be of great service for internal traffic?—Not much; it would be useful for military communication, but for traffic it is not very necessary, as the Ganges runs through the heart of the country.

1441. Might not such a road be useful for post communications?—The post might be accelerated a little, but not much. Various propositions have been made to government to carry the post with greater celerity. I do not know that any have been considered more feasible than that of carrying it on foot: I think it might be improved.

1442. Great roads are not so necessary for civilization in India as in other countries?—No; it is a vast plain, that may be traversed in every direction; but a good road from Calcutta to Meerut would be a great advantage.

1443. What do you think of the steam-boat communication up the Ganges?—I do not think it will tend to any practical good; you may send it up to show that it can go, but I do not think it will pay the expense.

1444. Is the stream so rapid?—The stream is rapid, and it is filled with sands which vary their position every year. The depth of current is where the stream is most rapid. A steam vessel in going up is obliged to keep in the deepest part of the stream, where there is most obstruction, when a country boat with a tattered sail will run in shore, take advantage of a back current or a nullah where the water is still, and pass a steam vessel struggling and buffetting with a current running at seven or eight knots an hour in the centre of the Ganges.

1445. The principal obstacle, in your opinion, to steam navigation on the Ganges is the draught of water of the steam-boats?—The machinery of the steam vessel and the coals sink her in the water to such a degree that she can carry no great

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great weight afterwards for useful traffic. If any improvement should take place in the construction of steam vessels, so as to render it unnecessary for them to carry such a large quantity of coals, there is no saying what may be done. If you will construct a boat that will only draw two feet of water, she could go up the river better than any country vessel.

1446. An idea has been broached that great additional security would result to our Eastern empire from the extension of our frontier to the Indus; is that a subject you have considered?—Yes, I have frequently considered it.

1447. What is the result of your opinion?—I have heard many military men say that the Indus was our natural boundary in India: but it has been proved by late and former wars, that a river like the Indus is little or no obstruction to a well-organized invading army, and if we are to have a defensible boundary on that side, we should do more than stop at the Indus, we should push our posts into the hills, fastnesses and passes which are beyond that river; but I hold that the conquest of the Punjab (which is the country between the Indus and the Sutlege, upon which latter river our frontier posts are now stationed) would be highly impolitic and unjust. We already possess more territory than we seem capable of governing well. The chief of that state has been on amicable terms with us since the treaty made with him in 1808; the cause of that treaty was an attempt on his part to conquer the Seik chiefs east of the Sutlege, and the purport of it (which has been faithfully observed by both parties since that period) was, that he should not interfere east of that river, nor we to the west of it. The consequence has been, that he has gradually extended his conquests over the whole of Cashmere, Mooltan, and latterly Peshour; his territory is extensive, populous and fertile; his army numerous and efficient, perhaps the best native army in India, with the exception of the British. Again, it would be impolitic to extend our frontier in that quarter, as it would bring us in direct collision with the Afghans, one of the bravest, most bigoted, and fanatical of all the Mahomedan tribes. Now, it is well known that the Seiks are neither Mahomedans nor Hindoos, but admit converts of both, though their religion has infinitely more of the Hindoo in it than the Mahomedan; they are therefore a powerful barrier between us and those fanatical tribes, with whom if we were to come in collision, it would unquestionably have a dangerous influence on the religious prejudices of our Mahomedan subjects and troops.

1448. To revert to a topic you touched upon some time since, namely, the administration of public affairs in Calcutta. The Committee has been informed that in many of the departments the business is conducted by Boards; have you had any opportunity of judging at all of the manner in which that machinery works?—Though I have never been officially admitted into the arcana of the civil administration, yet the obstruction to public business, arising from the constitution of the Boards and unnecessary details, is such, that he who runs may see it. I consider Boards to have been more or less efficient in exact proportion as the business has been conducted by one individual of the Board, or a secretary. I have ever considered them clogs on public business. I have no memorandum by me to show when the various Boards connected with the revenue were established, but as well as I can recollect they are of very modern date. They would have been useful

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if they had relieved the government from any details, but they seem to have been used by secretaries merely as a focus to collect the scattered rays of practical knowledge, first for their own information, and afterwards to lay before council in the minutest detail. They might have been further useful had they been sufficiently consulted as to the practical effects of certain Regulations made by the government, or alterations in old Regulations, but this has not *always* been the case; and even when they have been consulted, sufficient attention has seldom been paid to the opinions of men who in general have great local and practical experience. I do not say this from personal knowledge; but there is scarcely a Board, the members of which I have not heard express that opinion. The same observation applies to the Sudder Adawlut in Calcutta. The details of all judicial business should have, generally speaking, been left to them, instead of which they were brought before the government by the judicial secretary in all their minutia, and occupied time that might have been more valuably employed. It has been a matter of surprise to every one who has considered the subject, how the judicial secretary to government could have contrived business to occupy so much of his time and thoughts; and yet he has been considered a very important functionary until lately, when I hear it is discovered that his duties, and those of the secretary in the Revenue Department, can be well conducted by one individual; and from my personal knowledge of that individual's talents, I have not the slightest doubt but the duties will be as well conducted as when divided. But one of the greatest obstructions to business in India is the mania for writing; and I believe that the cost of stationery and extra clerks connected with our India government in all its ramifications, is greater than the whole cost of the civil government of the United States of America; but expense is one of its least evils, the waste of time and talent which might be usefully employed is the greatest. The attention of government is occupied with trifles or trite axioms on political economy or jurisprudence, either inapplicable or so well understood as not to require illustration, whereas they are dilated on with all the importance of a new discovery; and a prevailing opinion exists in the civil service, that unless they keep themselves alive in the attention of government by constantly writing, their merits will be overlooked. The legislative government is thus hampered by details. But I confess I think the fault is in the government itself; it can effectually check this disposition of its servants, and I believe there is every disposition in the present Governor-General to do so.

1449. As far as you have observed, is the course pursued in this department one calculated to abridge and condense the public business, or rather to create public business?—A decided tendency to create public business.

1450 Does the constitution of the local government in Calcutta, as composed of the Governor-General and three Councillors, appear to you the best calculated for the administration of the local affairs of that presidency?—That the local government as it is at present constituted has some defects no one can deny; but that it is fully equal to legislate for the *native* population of India cannot, I think, be questioned. It seems deficient in power to legislate for Europeans settling in India, and it is much hampered by the undefined powers of the Supreme Court, with which it is likely to come, and sometimes has come, in disagreeable collision. The Act of Parliament for the establishment of the Supreme Court seems

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seems not to have defined the power and jurisdiction of that Court so exactly as not to admit of doubt; and the Court have taken advantage of this obscurity or doubt, and have endeavoured to extend its jurisdiction not merely to the Mahratta Ditch (to which most people think it was intended to confine it), but throughout our provinces. The Court assert, that because a person has property in Calcutta, it can arrest his person for debt. An instance of this took place not many years ago, when a native of rank and wealth, residing at Furruckabad, was arrested for a small debt (which he offered at the time he was arrested to discharge, and of the existence of which he was not aware till he was arrested); and if the interference of the magistrate of the district, which I believe was considered by the Supreme Court as illegal, had not released him from the sheriff's officer, he would have been dragged 600 miles to Calcutta, and taken into a court, which sooner than have appeared in, he would have sacrificed not only his property but probably his life. Against this undefined power of the Supreme Court, some protection should be given to the natives, or some Act passed which would not admit of doubt, fixing its actual limits. Supreme power must exist in somebody in India, and I see no hands in which it can be trusted so well as those of the Governor-General. The Governor-General at present can act even against the opinion of his councillors on his own responsibility, and I consider this power absolutely necessary to preserve our empire in the East. I conceive that powers should be granted to the present government to legislate for Europeans likely to become resident in the country (they are now amenable to the Mofussil courts in a certain degree), and I see less objection to granting such power to the present government than to any other mode I have yet heard proposed for remedying this defect. As for the extension of the power of the Supreme Court over the Mofussil, I consider it the greatest calamity that could befal India. I speak, I believe, the universal sentiments of the natives out of Calcutta, that the jurisdiction of the Supreme Court would be considered by them as the greatest misfortune and calamity. The natives who are connected with the Supreme Court in Calcutta are notoriously some of the worst characters in India; there are gangs who live by perjury, and by threatening prosecutions in that court, and the natives have frequently told me that those perjurers are in the habit of going to men of respectability and rank (who would sacrifice half their property or even their lives rather than go into the court), and threatening that unless they will give them money, they are prepared to bring some accusation against them that will compel them to attend the summons of the court; and such is the dread of its power, and the disgrace of being dragged into it, that men of wealth are cautious how they will come and sleep in Calcutta. I may here relate an anecdote of two natives of wealth who had had some family feud; the object of one was always to get the other into Calcutta to make him amenable to the Court. He succeeded, under a pretence of reconciliation, and having kept him up at Calcutta most part of the night, induced him to remain till the morning, when, tapping him on the shoulder, he said, "You are now amenable." It is said, I do not know with what truth, that the Rajah of Burdwan, who is a man of immense wealth, pays a certain sum annually to a lawyer to keep him clear of the Supreme Court, and the usual words by which the natives express their abhorrence of it are, Balla-i-Nagahanee, which means an "unexpected calamity."

Veneris, 23° *die Martii*, 1832.

Sir JAMES MACDONALD, Bart. in the Chair.

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Captain TURNER MACAN, called in and further examined.

1451. YOU have mentioned, that from your observation the native independent rulers under the Bengal presidency, whether Hindoos or Mahomedans, still regret the overthrow of the Mahomedan supremacy in India, and that they prefer that dominion to ours. Can you state the reasons of that preference?—I am of opinion that both the princes and their subjects are averse to our dominion; the former from a perfect hopelessness of emancipating themselves from our supremacy, or of extending their possessions or consequence by conquest or by intrigue, and from disgust at our interference with their internal policy. Scarcely anything has produced so much ill-will to our government, in the minds of the native princes, as this interference in the internal administration of their country and domestic affairs. We have had no fixed political principles by which our intercourse with native states has been guided. In some cases we have interfered most materially in almost every branch of their administration, as in the case of Lucknow, whilst on the other hand, we have sometimes avoided even what might be considered a judicious control. With reference to their subjects, their dislike has arisen from other causes. The checks to despotic power are two: first, the influence of religion, and second, the fear of rebellion. The dread of the latter has considerably checked and modified the despotisms of Asiatic monarchs; but as long as our interference with the internal government of the independent states continues, the subjects are prevented from showing their dislike to their rulers, or checking their despotic authority, by the knowledge or fear that the British Government would interpose and punish such manifestations. As an instance of the thraldom in which the subjects are held under the government of the native princes, from the dread of British power and coercion, I would particularly mention the state of Rampore and Lucknow. I have heard natives, who have lived under the government of Rampore, frequently declare that were it not for the fear of British power they would not allow their ruler to sit upon the musnud for 24 hours. The difficulties and embarrassments that the British Government in India have brought upon themselves by their mischievous interference in the internal policy of the independent states, has been fully exemplified since the conclusion of the Pindarree war, by the disturbed state of Rajhwarra; nor have the government, I believe, been yet enabled to extricate themselves from the embarrassing situation in which political agents, acting on undefined principles, have placed them with those states by such interference. If interference should be considered absolutely necessary, (which I cannot admit except as regards external policy), then it should be upon principles of justice as well to the chiefs as to the subjects; and if the power of the former is protected against the rebellion of the latter, then the latter should be sheltered from the oppression

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oppression of the former. But I am decidedly of opinion, that all interference with the internal policy of independent native governments is impolitic and unjust, and the cause of bringing the British name into more odium with those states, and the natives in general, than anything I am acquainted with. I may here mention a third cause of the dislike of native princes to our government in India, which is the knowledge of its annihilating efficiency. An Asiatic has no idea of quiescent power; where it exists he expects aggression, and although it is generally supposed that our conquests in India have been conquests of aggression, it will be found on examination that this is without foundation; that they have more frequently, indeed invariably, been made in wars commencing on the defensive. Now, if it be asked, why native powers, conscious of their own weakness, have provoked us to war by aggressions, my reply is, that knowing we had the power, they expected and anticipated our using it to their annihilation, and they struck, anticipating an expected blow.

1452. You have stated these feelings to be, in your opinion, common alike to the Hindoo and Mahomedan; how are their interests identified in this respect?—The Hindoo population of India were not entirely excluded by the Mahomedan rulers from a participation in the offices and emoluments of government, as they have been by the British. Many of the Hindoo rulers were tolerated and supported by Mahomedan emperors, partly from fear of their united power, and partly from other motives.

1453. Do you apply these observations exclusively to the provinces under the Bengal presidency?—I know not what application they may have to the other provinces.

1454. You have stated, that in your opinion the local legislative government in India, with some modification and extension of power, is efficient; will you state more fully your opinion with respect to an efficient legislative body, and what modifications and changes you would propose in the existing power?—I believe it will be generally admitted, that India must be governed in India; and with regard to the best mode of forming an administrative government, I conclude that the object is to legislate for the mass of the people, that is, the 80 millions of native population, according to what is considered by them as affording the greatest security to their property and persons, the greatest quantum of justice at the cheapest rate, the most perfect toleration of their prejudices and religion, and the greatest security against the introduction of foreign laws founded on foreign intercourse. Now, I think that legislative body is most efficient which has the greatest opportunities of knowing the character and wishes of the people, and who will frame their laws on that knowledge, and not on abstract principles of theoretical government, nor sacrifice the interests of the 80 millions to the advantage or wishes of 400 foreigners who may now reside in the interior, or 4,000 who may be supposed likely to reside there on the abolition of the present law. With regard to the present legislative administration in India, I would suggest that they should be relieved from all unnecessary details connected with the executive government, perhaps from all details connected with it. I would suggest that an efficient Board of Trade might be established in Calcutta, to correspond direct with the authorities in England, and that the business of the Company as a trading body, if they are to continue

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so, should be entirely conducted by this Board. If the present legislative government are relieved from the details connected with the local administration, I would suggest a Deputy-governor or Lieutenant-governor for Calcutta, I mean for the Bengal presidency, to conduct such details; and, if it be thought advisable, that the power of this legislative government should equally extend to the other presidencies, then an executive Deputy-governor or Lieutenant-governor might be sufficient at each of them. But in order to aid such legislative government in their control over the other presidencies, I suggest that a member from each presidency form part of it. Legislative regulations framed by this body should not be hastily made or adopted, but after full discussion and consultation and discretionary reference to all persons, whether natives or Europeans, whom they may consider capable of throwing light upon the subject of such laws, which should be passed by a majority of the legislative assembly, the Governor having always a casting vote. But in all questions involving the security of the state, a supreme power should exist in the Governor, to act upon his own responsibility, even in opposition to his council. I consider this prerogative to be absolutely necessary for the safety of our Indian empire.

1455. Your last answer has embraced three distinct propositions: the substitution of a general central authority in Calcutta, or at least under the Bengal presidency, to supersede the local governments now existing in the other provinces; the creation of a legislative council, which is to frame regulations for the government of the whole; and the continuance of the existing authority of the Governor-General in certain extreme cases pointed out in your answer. Is there any and what objection to the existence of the present independent authorities ruling in Madras and in Bombay other than that arising from the increased expense of such independent establishments?—Anything that can reduce the expense of our civil administration in India, without injuring its efficiency, I consider of the very first importance. I am not aware of any material objections to the present constitution of the governments of those separate presidencies further than that it leads to an additional expense, and that it prevents an uniformity of system in the administration, which is much to be desired.

1456. Have you ever calculated what proportion of the expense could be saved by the substitution of a lieutenant-governor or governor in council at each of the presidencies, supposing always that such lieutenant-governor must in great emergencies have the power of acting independently of the supreme government, as he is now empowered and required by law to act?—I never made such a calculation; I had no data to found it on.

1457. Are you aware what the present expense of the independent governments at Madras and Bombay may be?—I am quite ignorant of it.

1458. Are you aware of the amount of the gross revenue of the several presidencies?—I am aware of the amount of the gross revenue of India; and I believe that the presidencies of Bombay and Madras have never paid their expenses as they might perhaps have done.

1459. Are you aware of the distance from Calcutta of the most distant of the subordinate stations connected with that presidency?—The most distant station is Loodiana, on the river Sutlege.

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1460. Assuming Calcutta to be the seat of the central government, contemplated in your previous answer, are you aware of the distance from Calcutta to the farthest point now occupied by the British power in either of the other presidencies?—I am not aware of the exact distance; but I see no reason why the legislative government proposed by me should be confined to Calcutta; I think it is one of the worst places it could be at.

1461. To what other point would you propose to transfer such central seat of government?—To any point that might be fixed upon, after due deliberation by such government, as the best calculated, from its central position, to perform the duties entrusted to them. I have long considered Calcutta, even under the present state of Indian administration, not to be the most advisable place for the Governor General and Council to reside at. As long as the Company were what they profess to be, a commercial body, trading to India, without sovereign power, and with little or no territory of any kind beyond the factory, Calcutta was unquestionably the fittest and only place for the head of their establishment in India; but as soon as they became sovereigns of a mighty empire, with a population of 80 millions of people, I then consider Calcutta to have been no longer the situation for the supreme government; its seat should have been more towards our northern or western frontier.

1462. Does not the removal of the seat of the central government, contemplated in the last answer, to some point more in the western provinces, render proportionably difficult the administration of affairs at the point furthest south, under the Madras presidency? Is there any instance in the history of India in which, under the Mogul government, its more distant parts were ever attempted to be administered without a local authority, almost even in name independent, referring to points as distant from Delhi or from Agra as the southern provinces would be from the seat of the British rule?—In giving my opinion as to the unfitness of Calcutta for the residence of the local government in the last answer, I was not adverting to the supreme legislative government which I proposed for the three presidencies, but more immediately to the present government of Bengal. The situation for such supreme government for the three presidencies I have not adverted to further than to leave it to be fixed by themselves. With regard to the Mogul government, the seat of their power was generally confined to Delhi or Agra, though for 13 years it was transferred to the Deccan. It may be generally considered that the situation of Agra or Delhi was not very centrical; but it should be remembered, that the Mogul power frequently extended to Caubul, the eastern parts of Khorassan, Cashmere, and all the countries intervening, and that their power to the eastward and to the south was often but a name. To the distant provinces were nominated rulers, who had almost supreme power, whose obedience was precarious, and entirely dependent upon the power of the Mogul emperor to enforce it; and when they conceived such power did not exist, they invariably threw off the dubious supremacy, and acted in every respect as independent sovereigns, paying no revenue and no regard to orders.

1463. Will you explain to the Committee what geographical limits you assign to the phrase in the last answer, "to the eastward?"—It is difficult to define anything under the Mogul emperors, it varied so much with the characters of those emperors. At

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At one time an independent kingdom seems here often founded in all distant provinces. The Governor of Bengal, &c. sometimes throws off his allegiance, and the Deccan was never completely subdued, though the Emperor Aurungzebe went there in person, and remained there many years.

1464. In your last answer, which had reference to the formation of the legislative council, you considered that it was expedient that one from each presidency should be associated with the central council; do you conceive that the local knowledge that would be carried to such central council by any servant from either of the other provinces could be so adequate to all the emergencies of legislation, in providing for the necessities of a population so varied as that of the Madras and Bombay presidencies, compared with that of Calcutta, as the knowledge possessed ordinarily by the respective councillors of those presidencies as at present constituted?—Of the talents of the functionaries of those presidencies I have no knowledge from personal acquaintance; but if I may form an opinion drawn from the presidency to which I belonged, I have no hesitation in answering in the affirmative; and if at those presidencies can be found a man whose extensive information on every branch of Indian legislation, political, judicial, revenue and military, and whose power of mind, soundness of judgment, and facility of transacting business approximate to that of Sir Charles Metcalfe, such an individual would be universally admitted to be efficient, and fully adequate for all the emergencies of legislation.

1465. You have stated that you would reserve to the Governor-general, as absolutely necessary for the safety of the British empire in India, the same arbitrary power now by law in extreme cases vested in him; do you mean to state that you would allow to the lieutenant-governors, contemplated in your preceding answer, the same absolute power of acting in unforseen emergencies, which is now vested by law in the Governor in Council of the subordinate presidencies?—I do not see any necessity for such power existing in the lieutenant-governors; circumstances might occur, such as extensive mutiny in the army, or rebellion, when such lieutenant-governors and the commanders of the forces at the different presidencies would deem it necessary to act without reference to the supreme government. But whether it would be necessary to vest them with such power, such power by law, I am not prepared to say. In such extreme cases of mutiny, officers in all parts of the world act upon their own responsibility, according to the emergencies of the case Generally speaking, the powers of such lieutenant-governors would be executive; but I consider that all Regulations affecting the presidencies to which they would belong should not merely be discussed in the supreme legislative assembly by a member from those presidencies, but that such lieutenant-governor, with his secretaries and such authorities, either native or European, whom he considered likely to throw light upon such proposed Regulation, should be consulted, and that the supreme legislative council should have the full benefit of their opinions in writing before such Regulation was passed into a law. One point I have omitted to mention with respect to the powers of the legislative assembly, that of legislating for Europeans who are now or may become resident in India. I do not conceive that there would be much difficulty in making the present system of judicial laws applicable to such individuals. Nor do I conceive that they would have any right to complain of being

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being subject to such laws. Their going to India is optional; they can return from it when they please. People who optionally go to reside in any foreign country must be subject to the laws of that country, and, as I have before stated, all Laws and Regulations for the better government of India should have reference more to the 80 millions of native subjects than to the convenience, fancied or real, of a few European settlers.

1466. Referring to the supposed necessity of maintaining the existing high scale of executive government at Madras and Bombay, what are the duties now discharged by the Governor of Madras, at a salary of 16,000*l.* a year, with councillors, secretaries, &c. paid in proportion, which a vice-governor, well selected, with two or more competent public secretaries, might not discharge as efficiently and beneficially to the public interest at a much reduced rate of cost to the public?—I am not aware that the Governor at Madras and Bombay, with his councillors and secretaries, and extensive establishment of functionaries, has any executive duties to perform which could not as well be performed by a lieutenant-governor and such an establishment.

1467. Can you contemplate any separate interests belonging to either of the subordinate presidencies which would not be likely to be adequately represented in such legislative council, as has been suggested, by an European civil servant and an enlightened native selected from each of those presidencies?—I cannot more particularly, as I have stated that any Regulations peculiarly applicable to those presidencies should not be passed into a law without having the benefit of the opinion of the lieutenant-governor and secretaries, &c., as also the opinions of such natives as he or the legislative government might choose to consult. With regard to the native member of council, I confess I have considerable doubts of its present expediency. I do not deny that many natives exist in India who possess extensive information and local knowledge far superior to what is possessed by most Europeans, and that if they had been consulted, as unfortunately they never have been, upon many of our legislative enactments connected with the judicial and revenue branches, much injustice would have been obviated.

1468. With regard to the seat of government, is not one of the advantages which you propose by separating the Governor General from the administration of the local government in Calcutta, that he would be free to visit, as he might see fit, the more distant parts of the British dominions in India, and to establish the head-quarters of his government temporarily at Allahabad or Benares, or at any other considerable place at which the public service might appear to him to require his presence?—I have not mentioned any place at which I think such legislative assembly would be best fixed, because this should be left to their judgment, and they should not be considered a fixture. Nay, I think it absolutely necessary that they should occasionally visit each of the other presidencies, and move to all parts of the country under their control, according to their discretion. Nay, I think an obligatory power should compel them to go to the other presidencies at fixed periods, say once in two or three years.

1469. You stated in a previous answer that the presidencies of Madras and Bombay have never paid their annual expenses; will you have the goodness to look at the Paper now shown to you, marked No. 9–10, and state whether an inspection

spection of that induces you to correct that answer?—It appears that, according to this paper, Madras did pay its expenses in the year specified, and that Bombay did not. Having no official access to documents connected with the present disbursements and receipts of the presidencies, I stated that opinion from recollection of what I had read regarding the revenues, &c.

1470. On a general view of the amount of the civil expenditure in India, has anything suggested itself to your mind that would tend to its diminution?—First, the employment of natives in the judicial and revenue branches. Secondly, the formation of a legislative and revenue code, simple and well defined, which would enable more extended power to be given to individuals, and to dispense with useless appeals, which generally retard justice, multiply details, and increase expense. Thirdly, an economy in all public buildings, in which there has been a wasteful extravagance. As examples of this, in addition to those I have stated in my former evidence, I might mention houses at different stations for courts of circuit, useless military buildings, such as ranges of Assyrian-roofed stables built at Muttra, which never can be used, and various other public buildings connected with the civil and military administration, in which a profuse and wasteful expenditure of public money has taken place. Though of minor importance, I think considerable reductions may take place in all public offices. The sum may be small in each, but in the aggregate it would amount to a good deal. I give as an instance what I have heard mentioned, and have since verified, that some years back, when a secretary took charge of his office, he had bills presented to him by the clerks at the end of the month, separate from their salaries, for extra official duties performed. One clerk presented a bill for coming early before official hours; another for remaining late after official hours. The secretary inquired what were the official hours, and told the clerks he required no more of them than their duty, and that he would not receive any bills for extra official writing. This alone produced a saving in that one office, as well as I can recollect, of 20,000 rupees in the year; and I have no doubt that a similar reduction can take place in every secretary's office in Calcutta. If the establishments in those secretaries' offices be compared now with what they were some years ago, when the business was equally well performed, it would be found that they have increased twofold. Take, for example, the military secretary's office to government: when that office was held by Mr. Gardiner, and I believe by the late Mr. Adam, if I recollect right, there was neither deputy nor assistant; now there are both, besides a considerably increased establishment of clerks. I have already in my previous evidence touched upon the expediency of an abolition of the Boards. This also would be a considerable saving to government. I am not at this moment prepared to mention any other sources of saving, except what may arise from the employment of natives in our administration, and the consequent reduction of Europeans; and I believe that the present Governor-general of India has anticipated, by several judicious reductions in the civil administration, much that might have been suggested on this subject.

1471. Does it appear to you that the delays that have occurred in the transaction of public business between this country and India, and the voluminous and operose character of the conduct of its administration, are in any manner attributable to the constitution

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constitution of the home authorities?—I think they are mainly attributable to that constitution.

1472. Will you point out in what respects you conceive such inconvenience to have arisen from such sources?—Questions of importance, which have been submitted by the government of India to the consideration of the home authorities, have not been answered sometimes for a period of two or three years; when such answer has been received, circumstances have so changed that further reference became necessary, and thus a period of many years has elapsed before the final adjustment of such questions. It is a prevailing, I might almost say an universal, opinion throughout India among all servants, both civil and military, that those Governors General who have attended least to the orders they have received from home have been the greatest benefactors to the country, and have consulted more the interests of the people and the rulers themselves.

1473. Will you state what means of acquaintance you have had with the administration of the Indian government?—Having never held any official situation under the Indian government which gave me a right of access to the documents connected with the administration of that country, I have no knowledge but what I have gleaned from observation, intimate intercourse with natives, and with almost every member of the civil and military service; and the situation I held on the staff of the late Marquis of Hastings brought me in constant intercourse with that nobleman, and gave me the advantage of his information and enlightened views.*

1474. From your knowledge of the natives, should you say that if it appeared expedient to the Legislature of this country materially to alter the constitution of the organ of administering the Indian government at home; if, for instance, the Charter of the East-India Company should not be renewed, and the territorial government should be confided to some other body, that such a change would produce any injurious effects upon the minds of the natives under the British dominion?—I do not think the natives of India either understand anything, or care anything, about the authority at home; they look to the local government; a few individuals in Calcutta may give the subject a consideration, but I doubt whether it would excite any fears or alarms in their minds, and on the mass of the people it would make no impression whatever.

1475. You think that, as far as the natives are concerned, the great point would be to impress them with a sufficient idea of the importance of the powers of the Governor General in India?—Undoubtedly.

1476. Do you conceive that the natives regard the Governor-general now in Calcutta, in the same way in which they regarded the Nabob of former years, without reference to the delegated authority which each might respectively hold, or the source from which such authority might proceed?—Unquestionably, with regard to the mass of the natives; there may be a few exceptions in Calcutta, but they are few.

* I have now a Paper on the Revenues of India from 1813 to 1822, which Lord Hastings drew up for me with his own hand.

ALEXANDER DUNCAN CAMPBELL, Esq. called in and examined.

1477. WHAT situations have you filled in India?—I went out to India in 1808, and was first appointed Assistant to the Secretary of the Board of Revenue. In 1812, I rose to be Deputy in that office. In 1817, I was nominated Secretary to that Board, and remained in it until 1820. In 1820, I was appointed Collector and Magistrate in the Bellary division of the Ceded Districts, where I continued until 1824; and thus served uninterruptedly twelve years in the Revenue Board, and sixteen in the Revenue department. Besides holding these appointments, I served in 1809 for a short time in the Stamp-office; and in 1818 I officiated for several months as Chief Magistrate and Superintendent of Police at the Presidency. In 1824, I was appointed Judge of Circuit and Appeal in the Provincial Court for the Centre Division. In 1826, I was nominated a member of the Board of Revenue by Sir Thomas Munro, and accompanied him in that capacity on his tour through the Southern Provinces. In 1827, I was thence selected to introduce his system of ryotwar into Tanjore, as Principal Collector and Magistrate there. Whence, in 1828, I was removed by his successor, after his death, to my former situation as Judge of Circuit and Appeal in the Centre Division. This I afterwards relinquished for that of Registrar to the Court of Sudder and Foujdary Adawlut, the Company's Supreme Court at Madras. Continuing in that office, I was also, in 1830, appointed Telinga translator to the Government. From 1811 to 1820, I held, in addition to my other appointments, the situation of First Secretary to the College at Madras. I was likewise appointed a member of that Board in 1812, until 1820, when I left Madras. And in 1826 and 1829, at each period of my return to the presidency, I was nominated a member of that Board. I was also, in 1826, one of three gentlemen nominated a Committee of Instruction for improving the Education of the Natives generally.

1478. Have you any knowledge of the native languages, and have you had occasion to have much personal intercourse with the natives in the several districts you have named?—I have received the honorary reward for proficiency both in the Hindostanee and the Telinga language, of which last I have published a grammar and a dictionary, purchased by the government for 3,000*l.* I comprehend the Tamul, the Canarese, and the Mahratta, sufficiently to understand what is said in common conversation on business, but I cannot speak those tongues. As collector and magistrate in Bellary, and principal collector and magistrate in Tanjore, I had to maintain the most intimate daily intercourse with all classes of the natives; and in my situation as judge of circuit and appeal, I had also occasion to use the native languages daily in the court.

1479. What opinion of the general character and capacity of the natives did the opportunities you had of observing them impress upon your mind?—The lower classes of the natives appear to me as prone to crime as those of a similar description in our own country. The higher classes, except in European science and general information, may vie with those of a similar rank in Europe. Their manners and address are most polished; their conduct as heads of families and masters, kind and endearing; and the chiefs of the Telinga nation are distinguished by so nice a sense of honour, that our want of due regard to their feelings in this respect has

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has occasionally driven some of them to suicide. Orme relates a celebrated instance of this kind in the zemindar of Bobilee. Another occurred in the Ganjam district, where one of this fine race of men, on being attempted to be disarmed upon entering one of our courts, plunged his weapon into his heart, and fell dead before the judge on the bench; and when a military force attempted to carry into execution a judicial process in the Nellore district, a third of this description destroyed all his family, and also himself. Instances of this kind illustrate the character of that class of people, but also deeply affect that of our own government. But the true character of the people is to be found in that of the middle classes, and of them I can speak in the highest terms, more especially of those connected with the agriculture and trade of the country, especially in the Bellary division of the Ceded Districts, in which I resided four years. They had the good fortune to fall, on our first acquisition of those territories, under the administration of Sir Thomas Munro, succeeded by Mr. Chaplin; and on my going to that province, I found myself received rather as a father than as a ruler. Many of the oldest inhabitants of the country came to see me at different times, requesting that I would place my hand upon their head, merely as a token of general protection. And I do not hesitate to say, that few can maintain a long intercourse with that amiable and simple race of people, without reciprocal feelings of attachment and regard for them. Their reverence for truth, a quality in which the natives of India are generally defective, is eminent. The asseveration of a Sircar ryot in that country is universally considered by the people equivalent to an oath. Indeed, when such a man's veracity is impeached, he constantly calls out, I am a *grahustoo*, or householder, meaning thereby to offer undeniable evidence of the truth of what he says. The tribe of cultivators of the Telinga nation, who occasionally migrate to Madras, serving there for a few years as palanquin bearers, whence they return with their earnings in this trade to stock their farms, are proverbial for honesty throughout the country. The Canarese merchants and traders in the centre of the peninsula are also a most industrious and honourable set of dealers, many of them in affluent circumstances. I cannot speak quite so favourably of the Brahmin village accountants, or of our own Mahratta Brahmin officers, though in ability few can exceed them. In the Tamul provinces, the people, though greatly inferior in their reverence for truth, are in other respects little below their brethren in the centre of the peninsula; but in Tanjore the contrast is most lamentable. I do not attribute the inferiority of the natives in the district of Tanjore to their being composed of different materials from the other classes in the peninsula, but to the want of a good system of land revenue management on our part, by which the assessment on individuals is left undefined, and in consequence corruption, forgery and perjury have become so prevalent, that the province of Tanjore itself, and the court at Combeconum in particular, have become byewords in the Madras territories for everything that is degrading in the native character.

1480. You have stated the kind and affectionate manner in which you were received by the people of the province of Bellary, when you went there in your public capacity as the successor of Sir Thomas Munro and of Mr. Chaplin; upon your quitting that people, did you separate from them with similar marks of regard and gratitude on their part?—On my leaving it, as well as on return to the district subsequently,

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subsequently, as a judge of circuit, I received from all those with whom I was formerly acquainted, the same warm expression of feeling towards me unabated.

1481. You have stated your impression of the character of the natives of that part of India; will you proceed to state to the Committee the estimate you have formed of their capacity for public employment?—I am of opinion that the natives with whom I am acquainted are capable of holding any situation, and of conducting the duties of it as well as any European. How far it may be expedient to employ them in the *highest* offices, may be a question of policy.

1482. What opinion have you had occasion to form of their trust-worthiness?—The servants employed under the Madras presidency in the higher situations of our government are well paid; and in general, particularly in the Judicial department, have evinced great integrity. There have been instances in the Revenue department of the most gross abuses; but in general I should say, that corruption is not more prevalent with the natives than it was with Europeans, before their salaries were raised to their present standard, subsequent to the government of Lord Cornwallis, inclusive.

1483. In what situations at present are natives employed in the Madras presidency?—Natives are employed at Madras in all subordinate situations, in the Revenue, Judicial and Military departments. In the Revenue department, their highest salary, after 20 years' service, may amount to 700 rupees per month, besides grants of land on *shotrium* tenure, which several of them hold. In the Judicial department, they are employed extensively as district judges, or moonsiffs; and latterly the Madras government have nominated three natives, one a Mussulman, and two Hindoos, with the same powers as are vested in the zillah and the criminal judges there. Their pay has been fixed at 500 rupees per mensem. The natives are otherwise extensively employed as clerks, and in the Revenue department as native collectors under the Europeans. Native Christians are excluded from employment in the Judicial department as native judges only, and I think the exclusion is to be regretted. I am not aware of any other exclusion of natives from the service of the government, though the half-caste natives are seldom employed except as clerks, on account of their not possessing acquirements for other duties equal to those of the superior natives of the country.

1484. Is it your opinion, that under a more extended system of native instruction, a more general resort might be had to native agency in the administration of the civil government?—I conceive it highly desirable that the natives should be employed in all departments in the details of the civil government. It would be difficult to raise them higher than they have been in the Judicial department, in the three instances I have noticed, without vesting them with that superintendence and control which I think should continue in the hands of Europeans. In the Revenue department, I conceive they might be further advanced.

1485. Although practically it might be inexpedient to advance natives to the highest offices of responsibility and control, at least for a long period to come, might it not however be advisable to declare, that the circumstance of their being natives is not in itself a necessary bar to their advancement?—I decidedly think that all notion of exclusion should be avoided, as checking the great object of raising the native character in the estimation of the people themselves.

 1486. Would

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1486. Would the feeling that any such exclusion was done away, tend, in your opinion, to strengthen their attachment to the British Government?—I do not think that the natives now consider themselves excluded; they merely are not employed in the highest offices; and I conceive it highly desirable that every office for which they are considered fit by the local government, should be held out as the reward of successful talent.

1487. Are you aware what was Sir Thomas Munro's notion on the subject of extending the instruction of natives in the Madras presidency?—Sir Thomas Munro recorded Minutes respecting the expediency of improving the education of the natives, and appointed a committee to suggest measures for that purpose. His plan contemplated the establishment of one central school in each collectorate, and subordinate schools dependant thereon; the whole under the committee at the presidency. The committee at Madras, with the view of drawing the natives with them as much as possible, called upon the several collectors to forward from each of the provinces one person to be instructed at Madras, in order that he might subsequently superintend the schools in the province. From each of the 21 provinces, one Mussulman and one Hindoo were deputed to the presidency, and it was intended to instruct them in their own languages as well as in English, and if possible to afford them some information connected with European science; but the system had not proceeded far when I left Madras, from the want of fit teachers versed in European science.

1488. To what extent had the experiment been attempted?—Not further than I have mentioned. The selection from each district of one Mussulman and one Hindoo, forming 21 Mussulmans and 21 Hindoos, who were congregated at the presidency for instruction. They had commenced the study of their own languages and of the Sanscrit and Arabic respectively, and also of English; but the object of the committee in the first instance was more to lead the natives in the provinces to draw with them on the subject, and not to consider the institution anything unusual or likely to interfere with their religious prejudices; the selection was therefore made from people well known to themselves, and we avoided employing any person connected with the presidency. But the system had made but poor advancement when I left Madras.

1489. What were the obstacles to its extension?—The want principally of proper teachers in the branches of European science and knowledge which it was intended to convey to the teachers of the schools hereafter to be employed in the provinces.

1490. Were any efforts made by the Government to obtain such teachers?—Offers of service were invited by public advertisement, but none sufficiently qualified were found. One Brahmin at Madras was appointed deputy master, and afforded a smattering of algebra and geography, and also explained a few of the first problems in Euclid to some of the students; but his own knowledge was exceedingly limited.

1491. Do any means occur to yourself by which this defect of teachers might be obviated?—I conceive that the opening more free access of Europeans to India would greatly facilitate the supply of a description of persons so much wanted at that presidency.

1492. Did

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1492. Did you ever see any computation of the probable annual cost of carrying into effect the plan of education proposed by Sir Thomas Munro?—I have; but I do not now precisely recollect its amount. I think it varied from 50,000 rupees per annum, upwards. It calculated one head master and 12 subordinate ones in each collectorate, at very low rates of pay. They were chiefly to be remunerated by free offerings of their students; and the pay of the government was reduced to the smallest scale.

1493. Would not that be about 5,000 *l.* a year out of a revenue derived from Madras of nearly five millions and a half?—It would be a sum vastly inadequate; but the gentlemen of the committee thought themselves fortunate in obtaining even such a grant; the total amount for the whole of India, mentioned in the Act of Parliament of 1813, being one lac of rupees only out of the surplus territorial revenue of all India.

1494. Was the progress of that scheme of education arrested from want of teachers or from want of funds?—Chiefly from want of teachers. Had the means existed to carry on the plan, I have little doubt but that the liberality of the Government would have aided it, even with further funds; though a certain sum having been fixed, it was of course an object not to exceed it.

1495. You consider that the present restricted intercourse of Europeans with India precludes the possibility of obtaining that class of instructors to whom you have referred. Do you consider that any danger would arise from a relaxation of those restrictions?—I have long considered the opening free access to all British subjects to India as an object in every respect highly desirable, not only as leading to an importation of British knowledge, skill, and talent, but also of British capital into the country. It is capital that is most wanted by the natives in the Madras presidency. I do not apprehend any dangers as likely to arise from the most free access of Britons to India, if they are placed under the local tribunals. Restriction as regards passports may be requisite, more at the presidency of Madras than in Bengal, in consequence of the policy of our government in excluding foreigners from the employment of the native princes. In Bengal, the foreign settlements are few, limited in boundary, and accessible only by the Ganges. At Madras, the foreign settlements are more numerous, open and accessible by sea, and some of them of very considerable extent. Englishmen proceeding to India are not likely, I think, to object to the laws of that country, if they preserve something of their own trial by jury. I conceive it very desirable that, in the trial of such persons, European officers should be employed if possible; but if the system of employing natives in the higher tribunals leaves no authority in the district where an offence is committed by an European except a native judge, I think it desirable that he should, in cases of this description, be associated with an European. The objection to the trial of an European by a native would be quite as strong on the part of the native judge as on that of the British offender; he would act with great timidity and apprehension, viewing the European as belonging to the caste of the Government.

1496. You would suggest, then, that the European voluntarily placing himself under the jurisdiction of the native tribunal should have afforded to him the security of a jury, composed in part at least of Europeans?—If possible, and in most parts of

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of the country I think it would be practicable, provided the jury were reduced to a small number, say five, and European officers, in the military service, were admissible on such juries; but I do not contemplate the use of juries, except in cases of a highly criminal nature. For common assaults, I think Europeans might as at present be punished without the intervention of such a tribunal. The employment of them in all cases would be harassing to those who would have to serve on juries.

1497. Is there anything in the general character of the law to be administered in the provincial courts, which, in your opinion, would be likely to deter an European settler from embarking his capital in India under such circumstances?—Nothing whatever, except his own ignorance of its nature. The law, as administered in the provinces under Madras, partakes hardly at all of the Mussulman code. A general belief, however, exists, that it is that law unmodified which is administered; and prejudice, no doubt, operates on the part of Europeans against it; but I conceive that, when they become acquainted with its actual nature, such prejudice will cease. The criminal law administered by our courts is infinitely more mild than the law of England. No punishment of death ensues, except in cases of express murder, and even in crimes of that description the sentence is occasionally modified to transportation, or confinement for life. I happen myself to know the case of an European soldier, who in the open day shot a native boy within a few yards of him. That man, if tried at Madras, would certainly have been hung. He happened to be a German, over whom the Supreme Court, at that time, had no jurisdiction. The law has been since modified, and authority given to them to try all Europeans in the King's service, whether British-born subjects or not; but in consequence of their having no jurisdiction over that person, he was tried by one of our provincial courts, and condemned. There were no circumstances of palliation in the offence: but on account of the extreme contrition expressed by the prisoner subsequently to it, his sentence was commuted from death to imprisonment for life.

1498. When you speak of the erroneous belief existing as to the spirit of the law administered in those courts, do you mean existing in India or in Europe?—Principally in Europe. In India, the nature of the law is well understood by those who administer it, as well as by those who are subject to it: but the principal European settlers resident in India being congregated at the presidency, and subject only to British law under the King's Supreme Court, are entirely ignorant of the nature of the law administered in the provinces. The few European settlers established in the provinces are also at present, in criminal matters, exempted from it, and subject only to the English law. They consequently know little of it; and the prejudice of Europe accordingly extends, in a certain degree, to Europeans not in the service, even in India.

1499. You have stated that, in the event of a free intercourse between Great Britain and India, it might be found necessary to adhere to a system of passports. Will you state to the Committee in what way, and to what extent, you would propose that passports should be requisite?—The only use of passports would be to control the employment of foreigners in the service of the native states. Without them, foreigners might find easy access from the foreign settlements into those states; and as natives are perfectly ignorant of the nation of the European, and consider

consider all white faces alike, the object of a passport would be to distinguish Britons from those of a foreign nation, and to prevent the latter passing through the country without permission from the local governments; but the restriction is not one to which European settlers alone are subject. All gentlemen in our own service gladly comply with so simple a restriction; and I have known a young man in college who declined to do so, arrested, and carried by force to the residence of the magistrate.

1500. Are passports now requisite for travellers in India?—Throughout the Madras presidency. In Bengal, less attention is paid to that arrangement, for the reasons I have already stated.

1501. What officers are appointed in India to see that travellers have passports?—It is the duty of every native police-officer who sees an European travelling, to demand his passport.

1502. Are you of opinion that this restriction is not considered vexatious?—I cannot undertake to say that it has not been considered vexatious by many persons ignorant of the object for which it is established; on the contrary, I believe that one person in particular, Mr. Peter Gordon, has strongly objected to such a restriction.

1503. In the view of making the system of passports entirely subservient to distinguish between British subjects and a foreigner, might not the passport of the British subject be considered as his right, rather than as a matter of favour?—Passports are never matter of favour; they are issued to all British subjects having leave to reside in India, and also to foreigners; and the object of them is to stop the foreigner alone, when he comes near the boundary between our territories and the native state, as they would of course restrict him to our own territory.

1504. Then the fact is, that though the object is to affect only foreigners, it affects Englishmen also?—It does.

1505. Are you aware of any instances having occurred of a passport having been withdrawn from a British subject?—A passport cannot be withdrawn, but the issue of it may be refused. Once given, it justifies the bearer travelling from a point nominated to another point nominated, and nothing can obstruct him, as the passport is evidence of the permission granted.

1506. Are they permanent or temporary?—They are granted on each occasion; they are granted for every movement from one place to another. I myself have constantly used them, in travelling from one place to another, where I held no official situation.

1507. Supposing you wanted to change your line of route for any reason, what must you do?—The passport denotes the place from which you move, and that to which you are going, without prescribing any particular route.

1508. Can passports be obtained in other places besides the presidencies?—From all European officers, civil and military.

1509. Should you deem it necessary, in case of a free intercourse between Great Britain and India, to reserve, either to the Governor-general or the local governor of a presidency, the power of deporting an individual settled in India, at his pleasure, and without trial?—I think such authority very objectionable; at the same time, I conceive it absolutely necessary for the maintenance of our power in India, that

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that restrictions should be placed over persons dangerous to the state. I would not, however, place greater restrictions over Europeans than over natives. The government at present have it in their power, for reasons of state, to confine any native under a warrant issued by the government without trial; and, in a case in which I strongly recommended that a prisoner should be brought to trial, a case in which, by the murder of his wife, he excluded himself from succeeding to the musnud or throne, which was his birthright, the Bengal government declined to bring the prisoner to trial, and he has since been confined as a prisoner of state.

1510. Do you mean to state it as your opinion, that such a power ought to exist in the governing authority, without restriction or qualification?—It is so dangerous a power, that I think it ought to be liable to restriction. A distinct legislative enactment on each particular occasion has been suggested; but I conceive that empowering the government to detain, without deporting, the offender, pending his appeal to the authorities in this country, would sufficiently provide for the danger, without exposing individuals to the loss and distress which sudden deportation from India may cause.

1511. Can you imagine the occurrence of any such cases of imperative urgency as would not be met by the detention of an individual, under the eye of the presidency, until the decision of the authorities at home upon his case should have been received?—I cannot; and I think that in most cases, where security for future good behaviour might be given, the government would be inclined to release, and might safely release, the prisoner pending such reference.

1512. You have stated that you entertain no apprehension of the effects of an unrestricted intercourse between England and India; do you imagine that the greater part of the emigrants from England to India would consist of persons who went there in order to make their fortunes and return to England, or persons who went there for the purpose of becoming permanent settlers in India?—I think few would leave this country with the intention of remaining in India; but the unsuccessful there might find it very difficult to quit India.

1513. Do you think, therefore, that gradually the effect of such a state of things would be, in process of time, to introduce a considerable proportion of permanent English settlers in India?—I think not. Those who remained would be in such distressed circumstances as not to be likely to leave many descendants behind them. The others, I conclude, would return to the mother country.

1514. Do not you think, therefore, that it would be the duty of the English Government rather to take care that the judicial and other institutions in India were adapted to the feelings and habits of the Indian population, than to those of any Europeans who might think proper to become, for the purpose of making their fortunes, temporary residents in India?—Decidedly. The laws of India ought to be made for the benefit of the natives of that country, not of the few Europeans who resort thither. But unless the laws affecting the latter were, in some degree, assimilated to those to which they are subject in this country, Parliament would be assailed continually, until they altered the law, by an universal outcry on the part of such settlers.

1515. Do not you think, that in such a case Parliament would act more justly in obliging those emigrants to conform to whatever state of laws was thought best suited

suited to the native population of India, and that that ought to be the main and sole guide of the resolutions of the British Legislature on those subjects?—Certainly, if a choice is necessary between the British and the native law. But, in my opinion, the native law may be assimilated to the British, at least to a certain extent, with benefit to the natives themselves, and so as to meet the feelings also of the emigrants from this country. I allude to a partial introduction of trial by jury, as provided in Regulation X. of 1827, in the Madras code.

1516. Do you think that the introduction of the system of British law is an unmixed blessing to the European himself in India?—By no means.

1517. Though personally not acquainted with Bengal, are you aware of the general effects of its administration in Calcutta?—I am not aware of its effects in Calcutta, more than two casual visits to that presidency enable me to speak; but I am fully aware of its operation in Madras, and I should say decidedly that the criminal law is vastly more severe than that administered beyond the limits of the Supreme Court. The civil law also is attended by an expense which has ruined most of the native families of distinction at Madras, and borne most heavily upon Europeans. One gentleman, to protect the estate of his deceased brother from the effect of a palpable forgery, expended, I believe, about 50,000 rupees, nearly the amount of the forgery itself, in law expenses. The natives of the presidency see their fellow-countrymen hung for crimes which, committed beyond the boundary, never are visited with the extreme punishment of death.

1518. Do not you think that a code or system of law might be made advantageously by an amalgamation and selection of the laws of England and the laws of India which would meet the wants of both classes?—I do not think that the principles of the law of England can with benefit be assimilated to those of India; but I conceive that the principles of the Indian codes may be so modified by the principles of general equity and general law, say the civil or Roman law, such as is in operation in Scotland, as to be beneficial both to the natives of that country and to those who may emigrate from this.

1519. Has not the system of juries extended considerably in some parts of India, and would not the application of that to many purposes of law be very acceptable to the natives?—The jury system is confined entirely within the limits of the Supreme Court. The Regulation I have already mentioned, contemplates its gradual extension, in criminal cases, to the Madras provinces; but it has never been acted on, and has been considered objectionable by the government which succeeded that which framed it. The punchayet system in civil cases only has been tried in the Madras provinces, but its success has not been so great as was expected.

Jovis, 29° die Martii, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

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Peter Auber, Esq.

PETER AUBER, Esq. called in and further examined.

1520. REFERRING to your answer, No. 1264, can you explain the circumstance of that letter?—With regard to the political one from Bengal of 3d February 1828, it appears that in the Return to this Committee there were two other letters coupled with it, and that the answer which was given by the Court on the 3d of July 1829 anticipated the matter comprised in the two other letters of November 1829 and March 1830 from India. I think those are the dates.

1521. It has been suggested that a selection at a later period of life than actually is at present the case, would be preferable in respect to the age at which a young man ought to enter the civil service in India, and that 22 years of age would be the period at which they should so enter such service; do you see any, and what, objections to the substitution of this later period?—The objections may be viewed as both physical and moral. The first objection that occurs to me, referring simply to the principles which have guided the ages now fixed, has reference to the physical qualities of the young men. The age at which they now go out is considered better calculated to enable them to fall in with the manners, habits and customs of the natives, and to encounter the change of climate; and at that age they more readily gain a knowledge of the Eastern languages: on the other hand, there can be no doubt that if they went out at the age of 22, and prosecuted their studies in this country for three or four years longer, they would go out better qualified, in point of general education, knowledge and judgment, for the high stations they are destined to fill, and that they would be enabled to enter upon any duties on arriving in India.

1522. You have stated some objections to the substitution of a later period, and some moral ones; on the other hand, does it occur to you that there is any, and what, objection on the latter score, namely, on the moral ground, to a young man destined to pass the greater part of his life in India, remaining in England, and forming in England the habits of English life?—I certainly think that young men staying in this country till the age of 22, might form habits and views that would attach them more strongly to England than they are liable to under the existing system. I can easily imagine that they might acquire additional habits of expense and extravagance, which I think they are more free from under the present mode.

1523. Do you mean to say, that you conceive that the class of young men from whom usually the writers are selected in this country, would be more likely to contract habits of expense and extravagance between the ages of 18 and 22 at home, than they would be in India?—I think that they would not have the same means in India that they have at home; because at present, when a young man reaches India, he is sent into the Mofussil, and placed under a civil servant, who, I believe, takes cognizance of his conduct.

1524. Do

1524. Do you mean to state this to be the practice in India, of your own knowledge?—I believe it is so at present; but if I am wrong in this supposition, you have only to place Calcutta and London in opposition to each other as to the means which they afford of indulging extravagance, and if the young men were consequently to remain at Calcutta, I should say they were as liable to habits of extravagance and expense there as they would be here.

1525. Are you not aware that the young men have been in the habit of anticipating their resources in India, by the facility with which they have obtained credit? —I believe that the fact of many of the civil servants being in debt is well known, and that the facilities of obtaining money during the residence of the young men at Calcutta has presented means of extravagance, which the Court of Directors were desirous of preventing by abolishing the College there.

1526. You have stated, that in the case of the young men continuing to a later period their education in this country previous to proceeding to India, you should suppose they might be likely to form habits and views that would attach them more intimately to their own country; do you not conceive that all young men who at present proceed to India look forward to the speediest possible return to their own country, as soon as they shall acquire sufficient property?—I have no doubt that almost every servant who goes out does so with the hope of returning to this country; but I should conceive that young men proceeding at the earlier age have not those strong ties to make them as desirous of remaining in their native country, which others might form at the age of 22, and that at the latter age they are less disposed to view India, as it ought to be considered in a great degree, as their future home.

1527. It has been suggested that it would be an improvement upon the present system, though not the best system that could be adopted, if, the whole of the service being originally military, selections were afterwards made therefrom for the civil offices of the government; what is your opinion with respect to such a modification of the existing system?—It appears to me that it would be a total departure from the principles at present laid down by the Legislature for conducting the two branches of the Indian service, civil and military: and if it is on the one hand contended that it is desirable that young men should remain till the age of 22, to acquire a better education to fit them for civil duties in India, you would necessarily oblige all parties to remain to the same age; and I think it will be admitted that 22 would be generally thought too advanced a period for young men to enter into the military service. I think also that the course of education which is now pursued by cadets is very dissimilar from that which is followed by those intended for the civil service. I am quite aware that there have been numerous instances in which individuals in the military service have been selected to fill high and important civil situations in India, more especially in the early part of the Company's government, when newly acquired possessions were comparatively in an unsettled state. They are now also chosen; but the opinion of Marquis Wellesley, who when Governor-general had selected military men, was averse to the employment of them in civil situations as a principle. His Lordship recorded a Minute, in July 1799, wherein he stated, "Although I acknowledge with great satisfaction the eminent services of Lieutenant-colonel Reade and other military officers in the

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administration of the revenue, my opinion is decidedly averse to the systematic employment of military collectors and assistants, and I accordingly recommend that all appointments of this nature made by the commander-in-chief, under the immediate exigency of the case, be revoked. In the room of military assistants, I propose that gentlemen from the civil service be invariably chosen for those situations." In this the Court of Directors fully concurred. There is another objection that occurs to me, which I may take the liberty of stating. If the principle were to prevail of selecting from the military for the civil stations, the government would necessarily make choice of the best military servants, and thus would leave the Indian army comparatively divested of the aid of those superior officers, whose connection and continuance with their corps and in command are so essential to the maintenance of that good understanding so important between the European officers and the native troops.

1528. You consider then, that under the plan suggested, the army would be left without the higher talents which are now intermixed with it; those higher talents being taken prominently into the civil service as the higher in point of emolument and general consideration?—My answer of course has reference to the supposition that all are to be chosen from the military service, and if so, that is decidedly my opinion.

1529. If the commands of corps were made equal to those higher civil situations, do not you think that the military men would be as disposed, or probably more disposed, to retain their command of corps than to go to civil situations?—If it is simply taken in a pecuniary point of view, then as a pecuniary inducement I presume they would; but I think it would be a very material increase of expense; and it is to be also coupled with the recollection that they are to remain in this country till the age of 22, in order that they may have the benefit of the education which it is proposed to give servants for civil duties. It would likewise be a departure from the sound principle which has always prevailed of having distinct services, and would be vesting the power of government wholly in military men, which I think is a principle that would scarcely be admitted.

1530. Do you think the system established at Haileybury is the best upon the whole that can be devised with a view of forming the young men for useful civil service in India?—I know that strong testimonies have been borne to the conduct, character and acquirements of those who have been educated at Haileybury. That establishment was not formed without a full persuasion that it would give to the Indian service a set of young men well qualified in every point of view to perform the important duties which devolve upon them. When in 1824 a motion was made in the Court of Proprietors for the abolition of the College, Mr. Robert Grant observed: "I find, generally speaking, that the most important posts seem to have been filled in India by those who have been the most distinguished for proficiency at Haileybury." He added: "Of five or six civil secretaries at Calcutta, three, Messrs. Mackenzie, Prinsep and Stirling, were distinguished prize-men for proficiency at Haileybury.' Of four secretaries at Madras, and four at Bombay, two at each place, Messrs. Clive and Macpherson Macleod at the former, and Messrs. Norris and Simpson at the latter, were of the same class; and a third, Mr. Farish, had just been promoted from the same situation at Bombay." With reference to its

its being considered the best means of educating young men for India, I by no means take upon myself to give any such opinion, for I believe it would be equally possible to get men as well qualified elsewhere; always provided a proper and sufficient test is established by which the qualifications of the individuals are to be decided; for I consider the service in India deserves to have the very best educated men it can obtain.

1531. It has been suggested, that in consequence of the nature of the appointment of the young men at Haileybury, they are apt to presume too much upon their interest, and consider themselves too free from restraint. From your official connection with the East-India Company, have you any reason to conceive that this has practically operated to the disadvantage of the College and of the service, or can you state to the Committee any grounds upon which you doubt the accuracy of such suggestion?—I can scarcely believe it probable that any young man would rest upon the interest he might have with an individual Director to secure him from the results of misconduct, even at the College, and certainly not in India. With regard to the College, the Court of Directors divested themselves of the power of interfering in any way with the proceedings of the College Council, either as to punishment, rustication or removal of students from thence. With respect to servants who may have reached India, I should conceive that any interference on the part of the Court of Directors, or any individual Director, in the event of misconduct, would be out of the question; and he could have no ground to rely upon any interest he had here, so far as the Court of Directors were concerned, because every event that takes place in India having reference to the conduct of a civil servant there comes under the cognizance of the Board of Commissioners; and this fact presents one of the many points wherein the check of the Board forms so essential a part in the present system.

1532. The Committee have a return from the India House of the total expenses attending the establishment of the East-India College at Haileybury from its commencement; are you aware what is the cost of each individual writer who is there educated?—The total expense, by a Return which has been presented to this Committee, attending the establishment at Haileybury, inclusive of the building account, from 1805-6 to 1830-1, in 25 years, amounts to 363,439*l.* 17*s.* 4*d.* Exclusive of the building, it has been 267,080*l.* 4*s.* 10*d.* The number of persons appointed writers has been 940, and the cost, including the building account under the first sum of 363,439*l.*, has been 386*l.* 12*s.* to each person appointed. Exclusive of the building account, the expense of the education of each writer has been 284*l.* 2*s.* 6¾*d.*

1533. What period of education does that give to each writer?—It would be taken at four terms, or two years; but latterly the writers have not been required, since the passing of the Act of 1826, to remain during four terms at the College.

1534. By the last Act renewing the exclusive power of the Company, the Company were bound to expend a lac of rupees out of the surplus territorial revenue, for the purpose of educating the natives of India; when under that Act did the Company begin to expend any portion of the money upon that object, and what sum upon the aggregate has the Company so expended?—I believe a Return is before this Committee of the sum, which amounts to an aggregate of about 360,000*l.*;

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they began to expend it in the first year, and continued it each year successively, more or less, up to the present time, making an aggregate of 360,000 *l.*

1535. And being on an average how much?—Nineteen or twenty thousand a year.

1536. Is not that 20,000 *l.* more than a lac and a half?—Decidedly. I find in 17 years it is 358,351 *l.*

1537. In the first year after the Act of Parliament, that is to say, in the year 1814, it would appear from the Return that the sum of 12,585 *l.* was expended on the object; it appears that four years subsequent not above half that sum was so expended; can you account for that diminution?—I cannot account for it.

1538. Does it not appear by the same Return that for the last six years the sum expended has been never less than twice as much as by law the East-India Company were required to apply to this purpose, and in one year more than five times as much?—It does.

1539. It has been suggested, with a view to a unity of action in the administration of the British power in the East, that one Supreme Governor should be appointed, the governors in council of the subordinate presidencies being reduced to lieutenant-governors with councils; can you state to the Committee, from your experience of the Indian administration, what results would follow such alteration?—I am not prepared to state what results would follow such alteration; but it would be a very great change from the existing system of the three governments, and would vest in one individual a power so great, and the government of dominions so extensive, that I think one Supreme Governor would hardly be able to perform the functions of it satisfactorily, either to himself or to the authorities to whom he would be responsible. You may now and then have a Governor-general who, from previous acquaintance with India, or from his habits of life and peculiar qualifications, may be fitted to embrace a larger rule than another; but looking at what has taken place, especially during the Ava war, when Sir Thomas Munro was requested to remain at Madras during those operations, and also of the proceedings against Bhurtpore, and referring also to other political occurrences in India, and to the situation in which the government of Bombay was placed at the commencement of the last Mahratta war, I think that it is most essential for the welfare and interest of India to retain the governments as they are at present constituted. I can however readily imagine that it might be expedient to give to the Governor-general greater latitude for the exercise of the powers of government than he at present possesses; and I can conceive no objection to his being empowered to act in any part of India, that is, in Bengal, Madras or Bombay; and that when he may be at either of the other presidencies he should take the chair in council, having, as he would then possess, the aid and advice of those who would necessarily be conversant with the affairs of the presidency, and whose opinions the Governor-general might or might not follow, as he should judge best for the interests of India; exercising also the power, when at those presidencies, of acting contrary to the opinion of the whole council, if he should see fit, recording, as he is now called upon to do, his reasons for the course of policy that he might adopt; which reasons would necessarily be sent home, and be judged of by the authorities in England.

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1540. The suggestion referred to in the last question was accompanied with another suggestion for detaching the local administration of the government of Calcutta from the office of Governor General, with a view to leave the Governor-general at liberty to transfer himself and his government and his court to such parts of India as he from time to time might think expedient; and it further contemplated the appointment of an efficient legislative council in India. Supposing the Governor-general relieved in those two points, should you then remain of opinion that the general administration of the three presidencies, administered by lieutenant-governors appointed under him, would be more than could be expected from a man qualified to fill that situation?—I think so far as regards the mere act of government, it would be expecting more from any individual than he could fairly be expected to perform. I would imagine a change in the Indian government, which takes place within five or six years generally, and a Governor-general arriving in India comparatively ignorant, and almost certainly practically ignorant, at least of the system, and of course of the proceedings of the governments there; he might then, under the proposed abolition of the subordinate governments, proceed at once from Bengal to Madras or to Bombay, and follow a course of policy with regard to any native states under those presidencies, diametrically opposed to what was in operation, and not having the advice, counsel and aid of a governor and council, who, under the present system, would necessarily be conversant with the affairs of their respective presidencies, and the relation in which such presidency stood to the native states, pursue a course of policy very injurious to the character and interests of the British Government in India.

With regard to a legislative council relieving the Governor-general from much labour, I have already taken the liberty of pointing out to the Committee the number of Regulations passed since 1793, and I have ventured to state that I do not consider the mere extent of labour as a reason for such a provision. I was proceeding at the close of my last examination to express my opinion on the general question of a legislative council, upon which I was questioned, and stated that I ventured to entertain a different opinion from those which had been advanced, when the Committee adjourned to attend the House. It appears to me that the differences which have arisen between the Government of Bombay and the Supreme Court, in connection with other points that have been brought forward as to the nomination of a receiver by the Supreme Court at Calcutta to an estate in the Mofussil, and the powers such receiver was to exercise; also as to the powers of the Sudder Dewanny to commit for contempt within the jurisdiction or limits of the Supreme Court; and as to four natives who had been guilty of some criminal offences, and of which the Provincial Court disclaimed cognizance, have led more immediately to the formal proposition for the establishment of a legislative council.

In addition, however, to the points already noticed, there are others of equal, if not far greater, moment, which it appears to me no legislative council that could now be formed in India would be competent to settle, and which I cannot for a moment conceive Parliament would allow to be decided upon by any legislative council whatever, such as defining the powers of the Supreme Court, especially its jurisdiction in criminal cases; also the laws to which British subjects shall be

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amenable in the event of an unrestricted, or rather under an increased resort of British subjects and others to India; likewise the laws to which East Indians shall henceforth be subjected. They are viewed as natives of India; but in religion, language, education and habits, they assimilate with British subjects.

There is the important question also as to trial by jury in the Mofussil.

These are all points of infinite moment to the character of our government and to the interests of the parties concerned, and can, I conceive, be only settled by the British Parliament, with the aid of those gentlemen who are now in this country, and who have had local experience, and filled high stations under the Crown and the Company in India, as well as with that of other professional men who have from their engagements been led to consider Indian jurisprudence. If this is done with that caution and deliberation which the subject calls for, many of the difficulties and embarrassments which have given rise to the proposition for a legislative council will be removed.

The points then to be left either for the government as now constituted, or for a legislative council, would be, the framing Rules, Ordinances and Regulations for the good government of the towns of Calcutta, Madras and Bombay, and on other matters connected with the well-being of the several interests within the limits of the Supreme Court. These are now not valid until registered by the Supreme Court; they are then sent home and publicly exhibited at the India House, and may be appealed against within 60 days of such exhibition, and His Majesty may disallow such Regulations within two years from their passing, should he see fit so to do.

The number of these since 1793 have scarcely amounted to 150 for Bengal.

The next point is the Regulations for the good government of the interior; these are passed by the Governor-general in Council, under the 21 Geo. 3, and subsequent Acts. I may perhaps refer to a remark of the Marquis Wellesley, when stating the grounds upon which he proposed the establishment of the Calcutta College. His Lordship remarked:

"The pleadings in the several courts, and all important judicial transactions are conducted in the native languages. The law which the Company's judges are bound to administer is *not the law of England*, but that law to which the natives had long been accustomed under their former sovereigns, tempered and mitigated by the voluminous Regulations of the Governor-general or Governors in Council, as well as by the general spirit of the British Constitution. In addition to the ordinary judicial and executive functions of the judges, magistrates and collectors, the judges, magistrates and collectors occasionally act in the capacity of governors of their respective districts, employing the military, and exercising other extensive powers; they are likewise required from time to time to propose to the government such amendments of the existing laws, or such new laws as may appear to them to be necessary to the welfare and good government of their respective districts. In this view the servants employed in the departments of judicature and revenue constitute a species of subordinate legislative council to the government, and also a channel by which the government ought to be enabled at all times to ascertain the wants and wishes of the people."

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Thus in a measure corroborating what had been stated in opposition to the formation in India of a legislative assembly, immediately preceding the Act of 1781 (for the idea is not a new one), viz. that Parliament was not called on to enact *new laws for a new colony*, but only to grant more extensive Regulations for a people who had long a constitution of their own. The only point is *consideration*, before the Regulations are passed.

The question then appears to be, how can the best consideration be ensured upon every proposition for the enactment of a new Regulation.

The Governor-general does not think that at the present moment India presents the means for forming a legislative council, and proposes that the Supreme Government and the Supreme Court shall be the materials.

A gentleman, to whose opinions on India matters much weight is attached, thinks such a council ought to be composed of a large number, comprising not only the Supreme Government and the Supreme Court, but some civil servants and some natives, and also the lieutenant-governor (supposing the change made) of Madras and Bombay, and that the council should meet on all propositions for a new Regulation, and discuss the same fully and deliberately; and in the event of all the members not being able to meet, that they should interchange their ideas in writing. It is difficult to imagine that such a proposal could have been seriously intended, more especially as promptitude is one of the arguments urged for the establishment of a legislative council; whereas a proposed law might originate in Calcutta, and have to travel from thence to Simlah, and then to Madras and Bombay, and find its way back to Calcutta before it passed into a law. Moreover, the benefit of oral discussion would be lost in such a scheme; and after all, the Governor-general would not, as it appears to me, be relieved from the duty of considering the propriety of the proposed law, for he is to have the veto, and surely he could not be expected to give it until he had fully considered the subject.

The time will no doubt arrive when India will be in a situation to legislate for herself; but till that period arrives, it is, I conceive, our duty to legislate for her, and in so doing to be guided by those principles which are recorded at the commencement of the Regulations formed into a code in 1793.

By defining the powers of the Supreme Court, which I presume to think ought to be maintained under whatever changes may be made, in consideration of the number of British subjects under the denomination of East-Indians, now little short of 30,000, and which must increase; added to whom will be the British subjects who may proceed under a less restricted intercourse with India: by ordaining, that all Rules, Ordinances and Regulations shall be submitted for the opinion of the Supreme Court, who, if no legal objection exists, after a certain period shall be bound to register them, sending home, if they shall see fit, any objections to be considered by the King in Council, communication thereof being made to the Supreme Government: by forming a subsidiary judicial Board, to consist of a member of the Supreme Council, a judge of the Sudder Dewanny Adawlut, and the advocate-general, or any other functionary at the presidency, such as the territorial and revenue secretary, whose duty it should be to consider any proposed Regulation, and transmit the same, with their sentiments, to the Governor-general in Council, where such proposed Regulation should lie a week for consideration; the

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evils now complained of, particularly that of a want of sufficient deliberation before the adoption of a Regulation, would be remedied, and the important power of legislating for India, in the enlarged acceptation of the term, would still be preserved to the British Parliament, and a further infringement of the principle of the legislative and executive powers of the state being separate and distinct, would be avoided.

1541. Do you deem it advantageous to the interest of the administration of the government of India, that the governors of the subordinate presidencies should be more or less independent of the authority of the Governor-general?—I do not think that there would be any detriment whatever to the efficiency of the subordinate governments, if, in point of increase of charges, or any arrangements which might entail great additional expense on the revenues of India, they were subject to the control and even sanction of the Supreme Government, before any such increase of charge was carried into effect. Another point presents itself to my mind, in the supposition that the two subordinate governments are to be abolished, and one individual at each of those presidencies to be substituted under the title of lieutenant-governor, viz. that the army would necessarily be one army, instead of three separate armies as at present. Such a measure, from the character and composition of those armies, the different manner in which they are paid, the extensive duties which would necessarily devolve on one Commander-in-chief, on whom all the judicial matters relative to the interior arrangements of an army, consisting in the gross, I believe, of little short of 240,000 men, would present another very material objection to the abolition of the subordinate governments.

1542. But although the armies should be combined under one commander, does it follow that they might not continue separate and distinct armies as at present, in all respects of organization?—I am not aware that there would be insuperable difficulties arising out of that point; but that is a military question; at present the Commander-in-chief at each presidency has a voice in Council.

1543. As the law now stands, can the Governor-general, in point of fact, proceed on any great question of peace or war to any one of the subordinate presidencies, as to any one of the stations in his own immediate presidency; and can he, or can he not, there, on his own responsibility, in such critical affairs, direct every measure of the British power in India, recording the reasons why, on such emergency, he shall so supersede the local authorities?—In a state of war, I apprehend that the Governor-general could do so, and he has done so; but considerable doubts have been entertained in this country as to the exact powers which the Governor-general possesses, and that is one of the points which it would be most important clearly to define and lay down in any future legislation with regard to India.

1544. In point of fact, did not Lord Minto exercise that power in the year 1812, when he proceeded to Madras to take charge of the government there?—Unquestionably. My answer, with reference to the necessity of some special legislative enactment, grows out of the fact, that when the Governor-general, for the advantage of India, was desirous of carrying on the measures of his government at a distance from Calcutta, legal objections were stated to exist to such a course of proceeding, in the despatch of July 1829 already referred to.

1545. It

1545. It has been stated, that to transfer the appointments of writers and cadets to public bodies, to the Universities for instance, would prevent the evil consequences apprehended from transferring such appointments to the Crown. Can you state to the Committee any opinion upon that subject which you have formed?—So far as relates to the appointments of writers and cadets, I believe I have answered in my former evidence.

1546. Applying the question to the uncontrolled exercise of Indian patronage by the Governor-general, what is your opinion with respect to the influence which the Crown would thereby exercise, if the patronage were placed in the Governor-general?—If I understand the question correctly, it is as to what power may be exercised with regard to the Indian patronage, supposing the original nomination of writers and cadets to be transferred to some public institutions or to the Universities. It occurs to me that the whole patronage of India, supposing the present checks to be done away, and the government of India, so far as this country is concerned, placed in the hands of a Secretary of State or of a minister of the Crown, be he whom he may, would necessarily be in the hands of the Governor-general, not controlled in the way which it is at the present moment. Now, every appointment is recorded; every reason for a departure from the precise rules laid down for nominations in India is likewise placed upon the proceedings of government and sent home, and is thus vigilantly scrutinized both by the Court of Directors and by the Board of Commissioners. If no such check existed upon the exercise by the Governor-general of the extensive patronage which necessarily devolves upon him in India, I conceive he might use it in any way he pleased, and that such patronage would be open to great abuses.

1547. The supposition implied in the question proposed to you was, that the original nomination of the young men sent out to India should be vested in the Universities or other public bodies, and should be the result of public competition; do you mean, that in such case you would say, that it would be transferring the whole of the patronage into the hands either of the Crown or of a Governor-general appointed by the Crown?—I could never intend to imply any such thing.

1548. On the contrary, would not such a system render the original appointments independent both of the Crown and of the governing powers in India?—The original disposition of the patronage of writers and cadets would then necessarily be vested in some other body than the present, and would be bestowed, if I understand right, upon the Universities or public schools, to be contended for by public competition. I am not aware at the present moment that any power of patronage under those circumstances could be very largely exercised by the party deciding, with regard to the original appointment; but I do not consider the home patronage to be the only patronage which could be improperly used by individuals on a change in the government of India from the present system. It occurs to me, that the Indian patronage, as I have before stated, would devolve upon the Governors of India without the existing checks, and that unless similar checks were formed, those Governors might use such patronage under the recommendation or influence of the minister from whom they derived their appointments to India, and thus be made the means of that abuse which the present system was devised to prevent.

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1549. But it is supposed in the question, that they would receive their appointments not through any individual agency, but as the result of public competition?—So far as the writers and cadets were concerned in the original nomination, I have no reference to the abuse of patronage here, but it is to the exercise of the powers which would necessarily devolve upon the Governors in India, who would not be under the check which at present exists with respect to the distribution of that patronage, that my previous answer applies.

1550. You have stated that you conceive that at present the patronage exercised in India is controlled, inasmuch as it is recorded and sent home, and vigilantly scrutinized by the authorities here; will you state to the Committee in what way it can be possible, that either the Court of Directors or the Board of Commissioners in this country can at present vigilantly scrutinize and control the preferments in India of individuals of whom they can know nothing?—The records, as now sent home from India, contain the most minute description of the services, the character and conduct of every individual in the civil establishment. Perhaps I may exemplify it by stating, that when members of council for India are appointed by the Court of Directors, a list of civil servants within a given period of the standing of those servants, from whence it is proposed to select members of council, is laid before the Court of Directors, which list contains a complete statement of the whole course of a servant's progress, from his arrival in India as a writer to the date at which it is proposed to appoint him to a seat in council. So it is with regard to every other civil servant in the establishment; and if it would not be troubling the Committee too much, I will take the liberty of reading a letter, which has particular reference to the course now observed with regard to the patronage in India, and the scrutiny which is exercised by the authorities here, or rather the knowledge which they possess of the course pursued by the government abroad. It is an extract of a letter from the Chairman and Deputy of the Court of Directors to Lord Ellenborough, dated in November 1829: "The Legislature has placed the local governments in subordination to the government at home, and it has exacted from them obedience to the orders issued by the constituted authorities in this country. The Legislature has provided, that all the Company's servants in India, civil and military, under the rank of Governor-general and Governor, shall, in the first instance, receive their appointments from the Court of Directors; that the members of council shall, excepting in particular cases, be nominated by the Court, and that the Governor-general and Governors shall likewise be appointed by the Court, with the approbation of the King. The Legislature has empowered the Court of Directors to recall the Governor-general and other Governors, and to remove from office, or dismiss from their service, any of their servants, civil or military; and as a security against excessive lenity or undue indulgence on the part of the Court, it has conferred upon the Crown the power, under His Majesty's sign manual, countersigned by the President of the Board of Commissioners, of vacating appointments and commissions, and of recalling any of the Company's servants, civil or military, from the Governor-general downward. By these provisions, the fortune of every servant of the Company in India is made dependent on the home authorities; and as long as the powers with which the latter are thus entrusted continue to be properly and seasonably

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ably exercised, there appears to us to be little ground for apprehension that the Indian functionaries will forget that they are accountable agents, and still less that this forgetfulness will be generated by so inadequate a cause as an occasional delay here, not in issuing necessary instructions, nor in replying to special references, but in reviewing their past proceedings.

"The Legislature having thus provided sufficient securities against the independence and irresponsibility of the governments in India, has, with a just appreciation of the distance and all the extraordinary circumstances attending the connexion between the two countries, not only left to the governments there the distribution and disposal of all the Company's establishments, civil and military, and the power of suspending from the service such individuals as may be guilty of misconduct, but has delegated to them powers of legislation, and to the Governor-general, individually and temporarily, some of the most important rights of sovereignty, such as declaring war, making peace and concluding treaties with foreign states; and whilst is has enacted, that the wilful disobeying, or the wilfully omitting, forbearing or neglecting to execute the orders of the Court of Directors by the local functionaries, shall be deemed a misdemeanor at law, and made it punishable as such, the enactment is qualified with the exception of cases of necessity, the burthen of the proof of which necessity lies on the party so disobeying, &c.

"Nor do the powers thus conferred (large as they are) exceed the exigencies of the case. It would be superfluous in addressing your Lordship to enlarge on the magnitude of the trust reposed in the local governments, and the difficulties with which it is encompassed, difficulties so many and so great, as to be almost insuperable, if experience had not shown that to a great extent at least they may be surmounted. The imposition of the various checks with which the system abounds presupposes the grant of a liberal confidence in those to whom power is delegated. The individuals selected for members of the different councils of government are usually men of mature experience, who have distinguished themselves in the several gradations of the service. At the head of the two subordinate governments are generally placed persons who have recommended themselves to the home authorities by their eminent attainments, extensive local knowledge, tried habits of business, and useful services in India, or persons sent from this country, who, without exactly the same recommendations, are on other grounds supposed to possess equal qualifications. The office of Governor-general has usually been filled by noblemen of elevated rank and character, who in some instances have held high offices of state in England, and who in going to India with the qualities of British statesmen, have there the means of acquiring a personal knowledge of the country and the people whom they are sent to govern; and the allowances of the Governor-general, other governors and members, as well of the supreme as of the subordinate governments, are fixed on a most liberal scale, suitable not to the character of mere executive agents, but to the greatness of discretionary trusts and the weight of their responsibility.

"It is by no means our intention, in submitting the foregoing considerations, to apologize for any want of promptitude or regularity on the part of the local governments in reporting their proceedings to the Court, or to absolve the Court from the obligation of carefully revising those proceedings, and communicating their sentiments thereupon within a reasonable time, and above all, of enforcing strict obedience

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dience to their orders where no sufficient reason is given for suspending or modifying them: all that we mean to infer is, that when the relative characters, positions and powers of the constituted authorities at home and abroad are duly considered, a minute interference in the details of Indian administration was not contemplated by the Legislature, and that as long as a general supervision is watchfully exercised, and no proceedings of importance are kept back from observation, overlooked or neglected, its intentions are not necessarily defeated by an arrear of correspondence on matters of minor moment.

"It is doubtless indispensable that the home authorities shall exercise the utmost caution and circumspection in the selection of their Indian governors, and in the choice of fit persons for the councils of government; that they shall constantly and vigilantly inspect the proceedings of those governments, as they may affect the interests of the State as well as the characters and prospects of individuals; that commendation and censure be impartially distributed, and that in cases of manifest incompetence or gross misconduct, the extreme measure of removal from office be resorted to. It is incumbent on them to take care that, in our political relations with foreign powers, justice and moderation are uniformly observed, that the discipline and general efficiency of the army are maintained, and that in the business of internal administration, the welfare of the native population is sedulously consulted. It is obligatory on them narrowly to scrutinize and control the public expenditure, to keep a watchful eye over all their servants, to see that distinguished merit is adequately encouraged and rewarded, that the undeserving are not promoted by favour, and that evil-doers are not improperly shielded from the punishment due to delinquency. It is also within their province to convey to the local governments such instructions as may from time to time be deemed expedient with a view to these or other subjects, and to enforce obedience to their orders when transgressed or imperfectly executed without valid reasons."

1551. Your answer went in the first instance to show the existence of a control and vigilant scrutiny exercised by the home authorities over the patronage of the Governor-general in India, and which control you consider would cease to exist in the event of the substitution of some other public organ for the Court of Directors at home; and you have instanced this by the care that is taken to ascertain the character and qualifications of individuals selected to be members of council in India; are not the members of council nominated at present by the Court of Directors, and not by the Governor-general?—What I wished to exemplify to the Committee was, the minute knowledge that the Court of Directors possess of all nominations made in India, of the progress of their servants, and of their appointment from one station to another, and of the duties they perform. At the present moment there is, I conceive, a check both on the part of the Board of Control and on the part of the Court of Directors in the exercise by the Governor-general of his patronage, which patronage is made by selecting civil servants according to their seniority, as prescribed by the Act of Parliament, unless there is any reason for a different course of proceeding; and whilst it is true that the Governor-general selects from the military service military men for civil stations, it is a practice objected to, and for which he is obliged to assign reasons. Unless some strict provision or check shall exist in future as now does exist, the Governor-general will

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of course be at liberty to exercise his patronage as he might see fit, without any control.

1552. In point of fact, is it your belief that any real control is exercised over the appointments in India of the commissioners, judges of circuit, members of the courts of revenue, and of other Boards; in short, of the detail of the patronage in that country?—I conceive that the patronage in that country is carried on as prescribed, in the manner I have already stated, by the Regulations, and if there was not the check that now exists, which I conceive the Governor-general is perfectly aware of, he might exercise it to a large and imperious extent.

1553. Are the Committee to understand that the only substantial check at present in operation is the check of the regulation of seniority?—That is one of the checks.

1554. Why are you to assume that that check would not be equally available under the one system as under the other?—I consider the great advantage of the present system is publicity, and the impossibility of abuse by the existence of the two co-ordinate authorities, each watching the other. I think it forms a check, and prevents the continued abuse in any way of the patronage in India.

1555. Has the vigilant scrutiny of which you have spoken, practically led to any interference with the patronage exercised in India on the part of the Court of Directors?—If the question be whether the Court of Directors have themselves interfered with the patronage, I believe that they may in the course of the last 17 years, from 1814 to the present time, have recommended one or two distinguished servants, who have been in this country, to the particular notice of the governments abroad on their return to India; but such recommendation has necessarily been subjected to confirmation by the Board of Commissioners; and when the Court of Directors have wished to recommend a servant to the particular notice of the governments abroad, and the Board have not seen sufficient reason for that recommendation, they have annulled it. If the question have reference to any interference by the Court on account of an appointment improperly made in India, instances, but very rare ones, could be found, and that fact establishes the efficiency of the check.

1556. Can you inform the Committee from your experience of Indian administration, what have been the opinions of Governors-general as to the character of the civil servants of the East-India Company?—I am not aware that the opinions of the Governors-general have been other than favourable to the Indian service, and to the qualifications of the servants of the Company in India; but I have no immediate testimony to produce of any particular Governor-general. There is a letter on record from the late Mr. Canning, who will be admitted to have been a most competent judge, to the Chairs, of the 21st of September 1818, in which he bears the strongest testimony to the character of the servants generally. It had reference to the selection of a Governor for Bombay. Mr. Canning wrote:

"But the extraordinary zeal and ability which have been displayed by so many of the Company's servants, civil and military, in the course of the late brilliant and complicated war, and the peculiar situation in which the results of that war have placed the affairs of your presidency at Bombay, appeared to me to constitute a case

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case in which a deviation from the general practice in favour of your own service might be at once becoming and expedient.

"It further appeared to me that the compliment to your servants would be the more distinguished if suggested by a previous declaration of the readiness of the King's Government to concur in such a choice, should the Court of Directors think proper to propose it.

"To have coupled such a declaration with the name of any *one* individual, would have been to expose the motives of it to a misconstruction. To have named *none* would have been to retain altogether undiminished the power of objecting to any individual nomination.

"The gentlemen whose names I have mentioned have been selected by me as conspicuous examples of desert in the various departments of your service, and on that scene of action which has been most immediately under our observation. I mean no disparagement to others, whose eminent qualities may stand fairly in competition with theirs; and I may add, that there is but one of the three with whom I have the honour of a personal acquaintance.

"On whomever your preference shall fall, it will always be a great satisfaction to me to have had this opportunity of recording not only my admiration of the talents and conduct of those gentlemen whose names I have specified, but the high and just estimation in which I hold the general merit and character of your servants."

1557. It has been stated as one of the causes why Europeans have borne an inferior reputation in India, that the indigo factories managed by them have been necessarily left to an inferior class of persons, persons not qualified for so great a trust, the persons who own or support such factories not having been allowed to send home for any persons whom they thought likely to be good managers; can you state to the Committee any and what obstacles now existing, which prevent the owners and supporters of indigo factories from sending home for any persons whatever?—I am not aware of any restriction upon individuals who possess indigo manufactories in India from sending home for parties in any way; and I believe that, with comparatively few exceptions, all applications that have been made in this country by individuals to proceed to India as indigo planters, or to assist in indigo manufactories, have been complied with.

1558. Has the Court of Directors been in the habit of granting or of refusing permission to persons to proceed to India, on their producing any applications from managers or owners of indigo factories in the East, desiring such persons to proceed to India in their employment?—I believe there is a Return before this Committee of the number of licenses granted by the Court of Directors, and it appears by that Return, that of the requests of parties to join indigo planters, from the year 1814 to the year 1831, 106 were granted by the Court of Directors. I think 11 parties were refused, of which 11, four were granted by the Board; but the number of indigo manufactories in India generally, comprising the whole of the country from Delhi to Calcutta, is about 899. The number of European proprietors is 119, and of European assistants about 354. The total Europeans connected with those, are 473.

1559. Does the East India Company possess any official record of the numbers of indigo plantations, the names of the parties to whom they belong, the number of

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of Europeans connected with them, and if so, can you furnish to the Committee such a statement embracing such particulars?—I have no doubt such a Return can be furnished.

1560. Are you aware what is the total amount of the annual expense of the entire East-India House establishment?—I think I stated in my first evidence the gross amount, comprising almost every branch of the establishment; I do not immediately recollect the exact amount.

1561. What proportion of that expenditure should you say was incurred by the Company in their commercial capacity?—I think I stated, that about 72,000 *l.* of the 350,000 *l.* or 360,000 *l.* was political, but I am not quite certain as to the exact sum.

1562. Of the mass of public business now transacted at the East-India House, what proportion should you say might be attributed to the mercantile transactions of government?—I should say, a very considerable part, if, when in speaking of the East-India House, the whole of the warehouse establishment (which of course is a very considerable part,) is to be taken in.

ALEXANDER DUNCAN CAMPBELL, Esq. called in and further examined.

A. D. Campbell, Esq.

1563. WILL you state to the Committee what appear to you to be the defects in the existing system for the education of the civil servants of the Indian government in England?—The chief defects in the education of the civil service in this country appear to me to be, that they leave England too young, before their education is completed, and that, by the arrangements made at home, the whole of the civil service for India are insulated, like an Indian caste, from the rest of their fellow-countrymen, thereby depriving them of all opportunity for forming connexions with young men of their own age, likely to be employed in public situations in the mother country. It also appears to me that, from their abilities being tried together at the same establishment at a very early age, their relative capacity for public employment is too soon settled; and that, in consequence, on their arrival in India, there is less emulation between them, than would exist if they arrived in that country without their abilities being known to each other. But the most lamentable defect in the education of the civil service in this country, is the want of instruction, not only in the principles of general law best calculated to assist our judicial tribunals, but in the peculiar tenures of land in India, ignorance of which leads subsequently to the greatest errors, both in our revenue settlements, and in our judicial decrees. I therefore conceive, that young men should proceed to India at a more advanced age than at present; that their education in this country should be similar to that for the highest situations in England, and should further embrace instruction in the Indian tenures and Indian codes, as well as in the general principles of the civil or Roman law. A knowledge of the native languages can easily be acquired in India. Perhaps, as remotely connected with this subject, I may mention one or two circumstances which appear to me to depress the civil service generally in India; I allude particularly to their classification as "senior" and "junior merchants," "factors," and "writers," obsolete denominations, recommended for abolition by the Marquis Wellesley; also to their relative rank with their brethren in the army, and to their being excluded

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excluded altogether, even such as have risen to the most eminent situations, from those honorary distinctions which have been extended to their fellow-servants in the Military department. Formerly, the highest grade in the Indian army was that of colonel; and the present relative rank of the civil service with the army was settled at that period. The higher grades in the army have since been opened to the military, without any corresponding alteration in the rank of the civil service; and whilst the civil service rise, after 12 years, to a rank corresponding with that of lieutenant-colonel, all further advancement ceases. Such advancement may possibly commence too soon, but it should not stop altogether, especially at that period when the members of the civil service rise to the highest employments in the state. I allude to these points, as depressing that *esprit de corps* which it is desirable to cherish in all branches of the service. The want of union, also, in the civil service at the three presidencies, appears to me a further defect, as confining the selection for employment by the Governor general chiefly to one presidency, and as depriving each presidency of those advantages which a reciprocal communication of improvements, by an interchange of public officers from the one to the other, would obviously confer upon the whole. I would also add, that if the natives are to be more extensively employed in details, it is of the greater importance that the Europeans to be employed in superintendence and control should be the cream of British talent, selected by competition, not average talent only, as under the present system.

1564. Are there any defects in the existing system at Madras more particularly to which you would direct the attention of the Committee?—When the Committee of Public Instruction at Madras was joined with the College Board, at my suggestion, by Sir Thomas Munro, I delivered to him a paper, strongly recommending that the junior civil servants at Madras should be attached to the various offices in the interior, instead of remaining at the presidency. That suggestion was not adopted by him; and I consider it highly desirable that the junior civil servants there should be removed from the metropolis immediately on their arrival. I have the memorandum in question, which I will, with the permission of the Committee, deliver in.

[*The Witness delivered in the same. Vide Appendix.*]

1565. Do you know what prevented Sir Thomas Munro from acting on the suggestions contained in this paper?—I am not aware. I soon afterwards left the presidency: but my impression, from personal communication with Sir Thomas, was, that he was highly favourable to the suggestion. He acted upon that part of it which proposed the union of the two Boards; and I conclude that it was only the multiplicity of other business which prevented his adopting the remaining part of the plan suggested, for he personally expressed himself in favour of it to me. I may perhaps explain, with reference to the system pursued at Madras for the junior civil servants, that it is very different from that pursued in Bengal. The allowances of the young men depend entirely upon their proficiency in the native languages. They are fixed, on first entering college, at about 240 *l.* per annum, and are raised, on the acquisition of a sufficient knowledge to transact business in one language without the aid of an interpreter, to about 330 *l.*, and when the student acquires a similar knowledge of a second language, to about 460 *l.* per annum.

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annum. The students have never been congregated together in one building as in Bengal, the college being merely a hall in which they are examined, and in which the natives are instructed, who are connected either with the education of the junior civil servants, or with the improved education of the natives generally in the interior. The consequence has been, that at Madras we have had very rare instances of extravagance: far the greater part of the service for many years have been entirely free from debt. On quitting the college, those few who have been involved in debt have left it owing sums generally less than 400*l.* or 500*l.* There have been one or two instances, in a long period of years, in which particular individuals have exceeded that limit, but they have been marked by the strong displeasure of the government; and a feeling pervades the service of Madras, that such extravagance nearly operates to preclude promotion to any high situation in the service.

1566. From your experience in India, in what respect does it appear to you that either the executive or legislative powers of the Government in India require or are susceptible of practical improvement?—The great evil which appears to me to pervade our Government in India is one partially felt at home also, from the very nature of our Indian administration. I mean the evil arising from disunion of authority, and the operation of conflicting principles in the different branches of the public service. The officers of the same state, necessarily divided into separate departments, instead of being subjected to the control or review of successive heads, placed in due subordination to each other, and therefore enforcing uniform principles, emanating from a common central superior, directing the whole, find themselves under distinct authorities, in a great degree independent of each other, consequently acting on separate, and often conflicting principles, which necessarily bring their subordinate authorities into perpetual collision. Each separate act of the subordinates in India is, under such a system, liable to draw their independent superiors into long discussions, involving the general principles, which each respectively has long adopted, without any common consent, for the regulation of its own department, and to which each adheres with the tenacity of habit. To this cause may be traced not only the well known differences between the local governments and the King's courts in India; but also most of the voluminous discussions between the officers of the three presidencies, and between the officers of the same presidency in its various independent departments, which have caused public men in India to be reproached for a vice inseparable, I fear, from the present system of the Government itself. The great object, in my opinion, therefore should be to give to *European* control the vigour and strength of unity in the executive government of India, commencing from the Governor-general downwards. It may perhaps be impossible to unite the judicial functions with the other departments of the state; otherwise, I conceive that the old Indian system, by which the whole civil authority was vested in one person, subjected of course to a series of controlling officers in the same, but not in any conflicting, distinct or independent department, would be far the best system in India for the executive government. I think a Governor-general, with lieutenant-governors under him at each of the subordinate presidencies, and rulers of provinces under them and of districts under them again, confining themselves to the department of supervision and control, without throwing away European talent in the details of government, which should be vested entirely in the natives," would be a very superior system to that

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that now existing in India. Of course I include the necessary establishments of secretaries attached to each of the high controlling authorities at the different presidencies; and if they were permitted to act as councillors to the local lieutenant-governors, recording their sentiments for the information of the authorities at home, where they might differ in opinion upon any subject of importance, conflicting discussions would cease, due subordination would be enforced, and a vigour would be infused into our government, by consolidating power, highly beneficial to our interests in India. Besides, whole volumes of correspondence, arising from differences of opinion amongst the subordinate Boards and their local officers in opposite branches of the service, might be saved. With regard to the legislative authority in India, one great defect is the existence of different local codes in the provinces under each of the three presidencies. The enactments of the local governments are also scattered in so unconnected a shape as to render it difficult for any individual to make himself at once master of the whole referring to any single subject. I speak the more confidently from having been engaged in publishing in India a new edition of the Madras code of laws; and I quite concur with those who recommend the formation of a new code of laws for India in India itself. In its formation, the great object should be to facilitate the Legislature acquiring a correct knowledge of the evils under which the people really labour. At present our law in India, especially our revenue code, savours too much of the technicalities of English law, and is ill adapted to the feelings of the people; our enactments are also in general drawn up by persons around the Government who have little personal information respecting the real grievances of the people in the provinces. Any new system, therefore, for the formation of a legislature, should include as its chief object the selection of such individuals, not only Europeans but natives, as would be most likely to give the government a clear insight into the grievances of which the inhabitants complain. This, I think, might be done, by allowing the local governments to select both natives and Europeans to furnish their opinions, in writing, on the laws, and to suggest such new laws as they may consider expedient. I say in writing, because I would include so numerous a body of the local functionaries, as well as others, that it might be impossible, without putting a stop to the details of civil government, to congregate the whole together at one place. Independently of these local members, other natives and Europeans might be selected from each of the presidencies to attend the Governor-general, in whom the legislative authority should centre; and such European officers might act with great benefit, both as a legislative council and as secretaries of state, moving about with the Governor-general from one presidency or station to another, as might be expedient, and discussing the suggestions and opinions received from those who are in fixed stations; to whom also I have suggested, that a share in the legislation should be given. The principal danger to be avoided would be the granting too great a preponderance to such latter officers, necessarily employed in drawing up the law, in comparison with those who are fixed in the provinces. I think it highly desirable that a distinguished lawyer, such as the Chief Justice at any of the presidencies, should be associated with such a council, when held at the presidency; but I conceive it should be less the object to introduce the technicalities of English law, than to prevent the enactments of the Indian government from infringing the great principles

ciples of general law, without reference to the peculiarities of our own code. I would not, therefore, give any preponderance in such a council to gentlemen of the legal profession, and conceive that men well versed in the principles of general government may be found amongst the secretaries, to be selected by the Governor-general, without nominating any person of that description from the mother country.

1567. Would the system of improvement in the executive administration of the Indian government, as suggested by you, lead, in your opinion, to economy as well as to increased efficiency?—I think, certainly, that it might be arranged so as greatly to reduce the existing establishments. It includes, as I have before explained, the employment of natives in all possible situations of detail, and confining the European civil servants to superintendence and control exclusively. At present we enter too much into details, and a great deal of European talent is now thus thrown away in India. The employment of natives in such duties would no doubt greatly diminish the present expenditure. Indeed, such a system has, to a certain extent, been already acted on at Madras.

1568. You spoke of a collision. Will you explain to the Committee what is meant by that expression?—By collision, I alluded to conflicting opinions being held by the officers of the same government in distinct independent departments, upon the same subject; as for instance in the Judicial department, opposed to the Revenue; or in the Magisterial department, opposed to both. Very opposite constructions of the same law have been given by the Board of Revenue at Madras, and by the Court of Sudder Adawlut, two separate controlling Boards, quite independent of each other; and the subordinate officers, acting upon the construction given by their controlling authorities respectively, have at once come into collision. I would instance the case of the purchase of lands by the head native servants in the district of Tanjore, annulled by the Board of Revenue, of which I was a member, on the ground of their being contrary to the Regulations of 1802, but which enactments I afterwards found, on joining the Sudder Adawlut, were considered by them applicable only to *zemindary* lands. The Government had no doubt of the expediency of annulling these purchases; but finding the Sudder Adawlut construe the law differently from the Board, many months passed without the measure being carried into effect; and when I left the presidency, the Government had directed a new law to be enacted, similar to one in the Bengal code, in order to give effect to the construction put upon the code by the Board of Revenue, which had been opposed by the Court of Sudder Adawlut.

1569. Is not such collision incident, more or less, necessarily, to the very existence of two distinct tribunals; and does it imply more than a difference of legal decision in the Court of the Vice-Chancellor, the Court of the Lord Chancellor, and the Supreme Court of Appeal to the House of Lords?—What I should wish to see introduced would be a system of appeal and control from one subordinate body to a superior superintending one, such as the question implies. The evil complained of is such as would exist, were one set of officers in England acting under the English, and another under the Scotch courts of law, neither being subordinate to the other, each independent, and the principles on which each acts being consequently quite distinct, and often conflicting.

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1570. Does the answer assume that there is necessarily any ignorance on the part of the supreme authority of the principles upon which the subordinate authority has decided, any more than in the case of the Supreme Tribunal of Appeal sitting in England; is there implied any ignorance of the judicial decisions of the inferior courts in Scotland from which appeals are made?—I did not suppose any ignorance of the decision. I suppose that the Board of Revenue, the independent controlling power in the Fiscal department, opened the code, and construed it to the best of their knowledge, giving instructions to their inferior authorities to act upon that construction. This construction is then called in question by the lower judicial officers in the provinces, who thus come into collision with the local revenue officers; and it becomes necessary for the former to have the opinion of their distinct controlling tribunal in the Judicial department. The construction put by that tribunal, the highest controlling authority in the Judicial department, differs from the construction put upon the law by the highest controlling authority in the Revenue department: the same law is construed differently by separate independent controlling Boards; and these opposite constructions have brought their subordinate officers into collision with each other. I therefore advocate a system of government which would unite the controlling authorities, and place all the subordinate officers under one united superintending power.

1571. Is not such a system disadvantageous, if it be necessarily to be found as an accompaniment to the advantage of having a system of control and review?—I conceive that collision would be entirely avoided by a system exclusively of superintendence and control, quite distinct from that of checks, by bodies acting independently of each other. What I have in view will perhaps be best illustrated by the instance of Mr. Chaplin, as commissioner in the Deccan, or of Lord William Bentinck, uniting the powers of the Revenue Board with those of the Judge of Circuit, and placing him as the common superintendent over the authorities both in the Revenue and the Judicial department; a system which I do not think could fail, if the gentlemen selected were eminent revenue men, and had been relieved from the overwhelming details of the Court of Circuit. Control may thus be rendered more efficient when brought nearer to the inferior agency, and the whole being vested in one person, instead of being divided between distinct independent tribunals under no subordination to each other, the inferior agency to be controlled, will act under the same construction of the law, instead of proceeding, as I have before stated, on adverse or conflicting constructions of it.

1572. In the event of a Legislative Council being established in India, do you think it would be necessary, upon system, to exclude the natives from it?—By no means. I think it highly desirable that they should be admissible into it; though at one of the presidencies with which I am best acquainted, I think it would be difficult at present to select any native sufficiently distinguished by his rank and consideration in society to be associated with European gentlemen, such as would be qualified for the high situation of councillors attendant on the Governor-general. Many natives might be selected perfectly capable of giving the most valuable advice in the provinces, not attendant on the Governor-general, but fixed. I apprehend, however, that at first the feelings of the natives of the country will find vent more easily through the local European officers than through any native, unless

unless he is selected by the people themselves. For the natives, unaccustomed to such a situation, will at first feel much at a loss to collect the opinions of their countrymen; and unless a popular selection is made, the people, accustomed as they are to represent all their grievances to the local European officers, will be inclined to place more confidence in them than even in their own countrymen, unless they have a voice in their nomination, or they are known to them personally or by repute.

1573. You stated to the Committee that you thought it would be a great improvement in our system of Indian government to revert to the old system of uniting the control of the Revenue and Judicial departments in the same persons; is it not the case that, under that system, the greatest abuse was found to result from such an union?—I am aware of no greater abuses under an union of the Revenue and Judicial departments, than under their separation; they have never been completely united since the time of Lord Cornwallis. The Magisterial or Police department has been united with the Revenue department; but the judicial functions, except in petty criminal cases, such as in this country are cognizable by a justice of the peace, have continued hitherto exclusively in the judicial, a perfectly distinct department. Abuses in India will always exist, particularly in the Revenue department. According to the various systems of revenue management pursued, we may see them more or less, or may be excluded from the sight of them. But the abuses still exist the same, though perhaps less observed by Europeans in one district than in another; and, for the people, the best system of revenue management is that by which Europeans obtain the best insight into abuses; for unless we know them, we cannot check or punish them. No one should judge of revenue systems by revenue abuses, in India. The best managed districts are those where abuses are best seen and exposed; and the only mode of eradicating abuse completely, is by strengthening the hands of the superintending authority, not weakening it by a division of power. Abuses are much more likely to be checked under such an union of authority, than under the present system; its practicability alone is that of which I doubt.

1574. Will you explain what you mean by the union of the Judicial and Revenue departments?—I allude to a separate class of native officers in the management of the revenue, acting independently of a distinct class of native officers in the settlement of judicial disputes, but both liable to the superintendence and control of one European authority, in whom it would consequently become necessary to vest judicial powers, so far as to decide on cases in appeal; but on cause shown I would not limit the appeal to him only. A further appeal, only upon cause shown, might still be allowed to a higher European tribunal. It is of the greatest consequence that the European controlling authority should possess an insight into the proceedings of the natives, both in the Revenue and Judicial departments, for he is enabled by his knowledge of the one to correct the irregularities of the other, which frequently would not come to his knowledge if he were left dependent for information only upon one class of the tribunals under him. My own information as a revenue officer was of material benefit to me as a judge of appeal in controlling some of the native judicial functionaries, and few have more exposed or punished native abuses in all departments of the service. I therefore speak from experience when

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when I say that it is impossible to do so *successfully*, without some such union of authority. There should be a wide door open for appeal, to prevent injustice and to correct error; but many a corrupt native servant now escapes, by availing himself judiciously of our present divided and conflicting tribunals.

1575. It is in evidence before the Committee, that for the sixteen years previous to 1830, the number of folio volumes of correspondence received at the India House amounted to 12,414, being nearly double the number received during the previous sixteen years; can you devise any other means of abating this nuisance than by the substitution of a more efficient and vigorous system of executive government in India itself?—I cannot.

1576. Is it your opinion that such might be the consequence of the adoption of some such plan as you have suggested?—The plan I have suggested is exceedingly vague, but I have no doubt that by filling up some such outline, a good system might be matured, under which a vast quantity of the existing correspondence in India would cease. The evil mentioned also arises from the home authorities interfering, as I apprehend, too much in matters of detail. By granting the superior authorities in India more ample powers on such subjects, they would render unnecessary the transmission of a great part of the present correspondence to this country.

1577. In all that part of the correspondence, for instance, which relates to the addition to salaries and remunerations of different kinds to an amount not exceeding a few hundred rupees, might it not be sufficient that the Government should be called upon to make a monthly statement of any additions that may have been made to any salaries, gratuities, or remunerations within that period?—I should think it quite sufficient if such a statement were drawn out monthly, that it should be forwarded quarterly or half-yearly to this country, the local authorities being vested with power in the meantime to disburse the public money to a limited extent, subject to supervision here.

1578. Again, with regard to the delays in communications between the governments at home and abroad; do any means of remedying the existing evil occur to you?—None, except an union of the authorities in this country similar to what I have suggested regarding those in India. If the authorities here vested greater powers in matters of detail in the local governments, more time would be left for both to conduct the correspondence between the two countries on more important subjects; but I conceive that this would also be greatly facilitated by confining the correspondence with the mother country to one channel, namely, the Governor-general, issuing from him to the subordinate local governments, and thereby relieving them and the authorities here from all direct correspondence.

1579. You have stated the necessity of concentrating and simplifying the organ of government in India; does it appear to you that advantage would result from a similar process being applied to the authorities at home?—Undoubtedly; at present no one in India understands who is the real authority in this country. The Indian government in this country is so divided between the controlling Board and the Court of Directors, and the details of such division on any given subject are so little known, even to the East-India Company's servants in India, that they are ignorant where representations are most likely to be effectual. I conceive it to be

be highly desirable that those bodies should be united into one, and publicity thus given to the authority really responsible.

1580. Was your ground of quitting your appointment in India that of ill-health?—I left India solely in consequence of a sudden attack of abscess in the liver, for which I was cut at sea, and which at seven days' notice obliged me to embark for England so suddenly, as to leave all my affairs there in the greatest confusion.

1581. Are you aware whether inconvenience has arisen from civil servants in India not being aware of the definition of the several powers of the two authorities at home, and consequently finding a reluctance to communicate with either of them, lest offence should be given to the other?—I have no hesitation in saying, that if gentlemen in India knew more precisely the influential source whence orders on any particular subject proceed, they would much more readily than at present address representations to that authority; at present it is so vague, and divided amongst so many, that we are much at a loss occasionally to guess the precise source whence instructions issue, or with whom we may most effectually communicate.

1582. Then you would lead the Committee to conclude, that the double authority at home does, in certain cases, prevent that more full and probably useful communication of the servants in India with the home authorities, which if it were but single would be the rule, and perhaps thereby impedes, in some degree, the zeal of the servants in India in the performance of their respective duties?—Undoubtedly.

1583. Have you observed any remarkable *prestige* to exist on the minds of the natives of India in favour of the Court of Directors of the East-India Company, the weakening of which, by any alteration of the constitution of the authorities at home, might be injurious to British interests?—None whatever. I do not think that any native in India has a clear understanding of the constitution of the authority at home, except the few employed in our own public offices, who see the public correspondence conducted by not less than thirteen gentlemen in this country. Their idea of the Company is exceedingly vague; and I cannot contemplate any alteration in the constitution of the authorities in this country likely in any degree to operate unfavourably on the minds of the natives of India.

1584. Do the natives of India, as far as you have observed, entertain any feeling of reverence for the authority of the Company, which they would not equally transfer to the authority of the Crown of Great Britain?—None. Such a transfer would be calculated to increase their reverence for the authorities at home. They are already partially acquainted with the Crown, as the final authority in all appeals from India, and they naturally comprehend clearly the nature of that authority, from that of the various dynasties of Hindoo and Mahomedan kings, to which they were accustomed before our acquisition of the country.

Veneris, 13° *die Aprilis*, 1832.

Sir James Macdonald, Baronet, in the Chair.

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Right Hon.
T. P. Courtenay,
M. P.

The Right Honourable T. P. COURTENAY, Member of the Committee, further examined.

1585. Are there any points connected with your former examination on which you would wish to give further explanation to the Committee?—There is only one point upon which my evidence, as it stands, requires explanation. I stated that what is called Sir Thomas Munro's system was the work of the Board. I am anxious that it should not be understood that I intended to say that it was the work of the Board rather than of Sir Thomas Munro himself; what I meant was, that it was taken up and countenanced by the Board rather than by the Court. I take the liberty of adding, that I have reason to believe that parts of my evidence have been the subject of representations to the Committee, which representations show that those who made them have materially misconceived the purport of my evidence. I am ready to give explanations upon all points upon which such misconception may have occurred; but perhaps the Committee will favour me by questioning me upon any on which their view of what I stated may have been altered by subsequent testimony.

1586. Will you be good enough to point out to the Committee any instances in which it appears to you that misconception of your evidence has taken place?—It appears to me that my evidence has been taken as intended to exalt the power and duties of the Board in the way in which those duties have been performed, at the expense of the Court of Directors; nothing could be further from my thoughts; and I am sure my evidence will not justify that view of it. I wished to explain to the Committee that the Board was not a mere office of check; that is, that it did not only belong to them to prevent the Court of Directors from doing what was wrong; it is their sworn duty, through the Court of Directors, to do that which is right. They cannot escape from a charge of misgovernment of India by stating that no amendment was proposed to them by the Court of Directors; it is as much their duty to supply the omissions of the Court of Directors as it is to see that the Court is not guilty of errors of commission. I believe that the Committee has been informed that nine-tenths of the most important business connected with India has originated with the Court of Directors; and I think that that calculation is very probably correct; I certainly said nothing at all inconsistent with that statement. The misconception, so far as I understand it, appears to me to have arisen from what I said with respect to the Secret Committee. I said truly, that the most important matters in the Political department are necessarily treated, in the first instance, by the Board. It may be true; and I think that one of the answers which I gave with respect to delay will show that I think it is true, that the orders sent out from this country to a government at so very great a distance have not a very operative effect upon the proceedings of that government; and it is clear that upon matters connected

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connected with peace and war, and negociations with native princes, this observation must be peculiarly true. In an emergency, the government must act, and does act, without orders; but I distinctly remember several very important subjects which were treated in the Secret department, and for a long time in the Secret department only, and in which the views of the Board, not always consonant with those of the Court, were enforced upon the Supreme Government, and did materially influence the conduct of the government. I recollect a despatch concerning the alliance with Jyepore, which was recommended; a contemplative measure respecting Kurnoul, which was forbidden; a great deal concerning the treatment of the Pindarees, and injunctions concerning Scindia's state, of which I have the more lively recollection, because, if I mistake not, the despatch, which went under the authority of Mr. Canning, will be found to lay down, in plain and strong language, the principle of non-intervention, of which so much has been lately said. I am quite aware that very important despatches on political subjects have originated with the Court, founded upon an extent and accuracy of information perhaps not possessed by the Board; and it is extremely probable that in the majority of those instances the Board have not interfered with the Court's directions. To sum up what I have to say upon this general subject, I would observe, that if it is intended to say that the Court of Directors, comprising within themselves all the functions of all the Boards, superior and inferior, which conduct the business of a great state, must have and have the larger share in the administration, I concur in that representation; all I mean to say is, that there is no part of that administration which can be the subject of correspondence with India, for the due management of which the Board are not responsible under the Act of Parliament, and the oath which they have taken. If, in giving this answer, I have in the slightest degree treated the subject in the spirit of controversy, I have done that which I am most anxious to avoid.

1587. Adverting to Question 411 of the Evidence taken before this Committee, have you any observation to make?—Generally speaking, with the qualifications which I have already mentioned, the statement in that answer is in a great degree correct. It is true that the secret despatches, and the political despatches, which are not secret, have had less effect upon the situation of India than those who framed them intended and expected. With respect to the matters alluded to in the answer relating to the maintenance of order and security among the subjects, the Board have not the power of directing such subjects to be treated through the Secret Committee; but there is another class of subjects not provided for in the Act which establishes the Secret Committee, but which have been necessarily treated through the Secret Committee, and upon which the orders of the Secret Committee have been more punctually obeyed. I allude to negociations with European states having settlements in India, and generally all matters connected with European states, or with war in Europe.

1588. Has not the existence of the Secret department enabled the government at home to use a greater freedom in its animadversion occasionally upon the conduct of the authorities in India than it would have been convenient to do if those despatches had necessarily been communicated to the Court of Directors?—I doubt that. The secret despatches are seen by a great number of persons in England, by all the Board and several of its officers, by a considerable number of sworn clerks

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at the India House, and then again, I apprehend, by a number of functionaries in India; and I know, in point of fact, that Members of this House having correspondence with India have been minutely acquainted with instructions, and have even had copies of papers sent to the Secret Committee, while the Court of Directors, technically speaking, was ignorant of the subject of them.

1589. Do you conceive this want of secrecy to arise from any defect in the manner in which this department has been constituted?—It is impossible to say but that a Secret Committee that cannot insure secrecy is defective in its constitution. I rather apprehend that the mischief must have arisen from there being treated in the Secret Committee some subjects occasionally, concerning which secrecy is of no importance, and probably sufficient care has not been taken to distinguish subjects which were of importance. Again, I may be wrong, but I am not aware that in India the secret despatches have any different character when they arrive there from the other despatches. I speak doubtingly upon that subject. I am quite certain that in the cases to which I allude the communication was made from India, and not from the India House or the Board.

1590. Did those subjects relate to negociations and matters of high political importance?—High political importance and very high personal importance, but not connected with matters of urgent policy, or pending negociation.

1591. Upon the whole, then, do you conceive that the existence of a Secret department is an indispensable part of the present system?—Yes; I apprehend that it is impossible that any government can be conducted without having the means of securing perfect secrecy in any peculiar branch; indeed, I think that in the Secret Committee there ought to be more power of enjoining secrecy upon any subject, whether coming within the duties of the Secret department or not. At the same time, the Committee will observe that the question of treating the matter secretly, and through a Secret Committee, and of treating it in the way in which secret despatches are now dealt with, that is to say, requiring them to originate with the Board, are two totally different questions: the secrecy might be as well observed although the despatches originated with the Secret Committee itself.

1592. Be so good as to refer to the Questions and Answers 1262 and 1270. Have you any remark to offer to the Committee upon those questions and answers?—It certainly appears to me that the gentleman who gave those answers underrates the delay which is occasioned by the constitution of the Indian government at home. I am perfectly certain that the drafts of answers to despatches from India (by drafts I do not mean only official drafts, but also those received in "previous communications"), have been frequently detained at the Board two, three, six, and I believe I might say twelve months. The whole of that delay, supposing the fact to be, as I believe it is, that the future examination at the Board does not lead to any less minute examination at the India House, is obviously owing to the duplication of the authorities; and I certainly must say, in observation upon another answer, that some of the despatches so detained have been of very great importance, and a few of them of urgent importance, but the greater part of importance not so urgent. With respect to Question 1270, I would say, that I concur in the views developed by the Court in their letter to Lord Ellenborough on the 27th of August 1829, so far as it sets forth the advantages derived from the minute reports required from India.

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1593. It has been stated, that since the year 1821 it has been the practice of the Court to abstain from communicating any decision to parties where such decision was in any way subject to the approbation of the Board; have you any observation to make upon that?—The instance to which the answer refers was, I believe, that which was in my mind when I gave my answer. I am inclined to believe that there were more instances of a nature very similar in the case of persons to whom permission was refused to go to India; but I beg to state, that in mentioning this point, as well as the anomaly referred to in another answer with respect to Lord William Bentinck, my object was to point out the anomalies which might result from the Act of Parliament, and which in some instances, however few, have resulted. In regard, however, to this instance of the Bengal officer in 1821, I should say that the Court defended the practice, against which Mr. Bathurst, then President of the Board, remonstrated. I have therefore no reason to suppose that the practice has since been altered.

1594. In answer to Question 1261, it has been stated, that of the number of drafts altered by the Board, the Board subsequently consented to modifications in 76 of them; do not such modifications frequently proceed rather from a disposition to avoid extreme collision than from a sense in either party that the despatches so finally modified are best calculated to meet the occasion?—In many cases the reason contemplated in the question has been the operative reason I have no doubt, and the consequence has probably sometimes been, that the despatch has been less fitting to the occasion than if it had been prepared and completed by either one of the parties. With respect to the number of drafts, 698, which is given as the whole number in a long period altered by the Board, I would only remind the Committee that it has been already stated that a very great proportion of the important alterations made by the Board are made in the "previous communications," and that the draft is prepared according to the Board's approbation. With respect to this question, I should further answer, that I am confident that the desire of avoiding collision has led in many instances to the continued and renewed postponement of instructions upon important subjects, and I am inclined to believe that some inconvenience has been occasioned by that circumstance; this of course has happened more particularly when there has been a President of the Board, who from the novelty of his appointment has not had that confidence in his own opinion, or in the opinion suggested to him by those who have been longer in the office, as he would have acquired after some years continuance at the India Board.

1595. Adverting to the Questions 1284 and 1285, do you concur in the correctness of the answers given to those questions?—I adhere to my answer, number 294. I am quite aware that Mr. Dundas and Lord Grenville took a great share in the management of the more important affairs of India for some years after the establishment of the Board in 1784, and particularly that they had a great share in the proceedings leading to the decennial and subsequently the permanent settlement, and probably in the proceedings concerning the judicial system; but I repeat, that from all the information which I acquired at the India Board, I am satisfied that neither they nor the successive Presidents of the India Board, until the year 1807, did follow up the operation of the new revenue and judicial systems in the several districts of India; nor, I believe, did the Court of Directors;

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but of that I speak more doubtfully. It is almost impossible that I can be mistaken as to the Board, because, though I was not at that time there myself, I know that the permanent officers of the Board were, until about the period I have mentioned, entirely ignorant of those matters; and although a great deal of business was done in the earlier days of the Board, quietly and amicably, between the President and the Chairs, it is impossible that in those communications that minute knowledge should have been acquired, which was acquired after the India Board office had been divided into departments.

1596. Will you advert to the Questions 1326 and 1338. Is it your opinion that the alteration contemplated in those questions would be likely to lead to the consequences surmised in the answers?—If the suggestion which I took the liberty of making was such as the answer contemplates, it certainly would lead to abuses much greater probably than those which now exist. Certainly, I never contemplated giving to any political functionary the selection of the body or public officer, who should from time to time make the nominations. My notion was, that the nominations should be given in a regular order; as, for instance, Oxford should have three appointments, then Cambridge three, then Dublin three; or, if among towns, London so many, Liverpool so many, and so forth, according to a fixed rule, not to be interfered with for any purpose of patronage. The number of appointments to be made must certainly be fixed either by the government abroad, or probably by the government abroad, subject to the control of the government at home, under the responsibility, which in such matters is a real responsibility, to the House of Commons. With respect to 1338, I see no reason for believing that any favouritism would be exercised in the selection of persons contending for writerships. The experiment has been partially tried, both at Westminster School and in the University of Oxford, and I have never heard any allegation of favouritism. The Committee will observe, that my suggestions in the part of them now under consideration, have no reference whatever either to the absence of favouritism, or to the fitness of the person appointed, but simply to the avoidance of that influence of government which would certainly result from the transference of the whole Indian patronage to any political officer or department. I apprehend that so long as the present system continues, sending out young men under 22 years of age to form a body in India, from whom all the functionaries up to members of council inclusive are to be taken, there is no mode possible by which you can previously ascertain the fitness of those young men for the higher stations. If, as has been suggested to the Committee, you require persons of above average talent, you must abandon the present system, and take that which exists in England as to all but offices of mere routine, of appointing persons of various ages and different habits and professions to the important offices as they become vacant. I am by no means recommending this fundamental alteration in the system; all I mean is, that with the present system you cannot effect the purpose of obtaining more than average talent in your collectors, judges, political residents, and other high functionaries.

1597. In your connexion with Indian affairs, have you observed that any necessity arose, or any advantage resulted, from so large a body of Directors as the number of twenty-four?—I should say, upon general principles, that so large a body was always inconvenient; but it is obvious, that if you greatly reduce the number, you

must have a different sort of people, and you must pay them much better, for though the share of patronage which each would get would be much greater, yet not being saleable, it is not available for all the purposes, though it is for some to which salaries are applicable.

1598. Supposing that by any new mode of appointing young men for the civil service in India, a better class of persons were selected, should you not be of opinion that the salaries which might be substituted as the recompense of the Directors, in lieu of the patronage they would lose, would be an expenditure amply compensated to the public?—The question implies, that by taking away the patronage of the Directors, a fitter selection of young men might be made; unquestionably, a small expenditure of money for the sake of insuring so great an object, would be good economy, of that there can be no question; but I, as my former answer will show, am not prepared to say that there is any method consistent with the preservation of the present Indian system, by which you can insure a better class of persons.

1599. Are you aware of any advantage that has practically resulted from the six Directors going out annually by rotation, and going through the form of being re-elected at the end of the year?—I should think some disadvantage; at the same time, I am not prepared to say that it is desirable that the Directors should in all cases have their offices for life, they might perhaps go out with the power of being re-elected.

1600. What disadvantage do you conceive to have attended this operation?—I necessarily speak more from theory than from practice. It is obvious, that if a Director has given his particular attention to one subject, he may, under the present system, be cut off from the means of pursuing his inquiries, and giving his advice while those inquiries are in their most important stage. I apprehend that that has happened; but it is necessarily a subject upon which I cannot speak with any confidence.

1601. Your previous answer has had reference to the number of individuals composing the Court of Directors, and has implied that in your judgment that number is inconvenient; are you aware of the number of committees into which the Court of Directors is divided, and the number of individuals allotted to each, each committee being, in point of fact, a department of the state corresponding to similar departments in the State of England, and having the management of the Indian Empire, so far as the government of India is committed to the East-India Company?—I am aware of the circumstances referred to in the question: but it will be observed, that my answer was given without great confidence, but it may be true that so many as twenty-four persons are required to perform all the various functions of the East-India direction; and it may still not be true that so large a number as twenty-four are a convenient body to discuss all the more important matters of business, particularly I allude to the despatches to India, which come from the several committees into which the Court is divided. My notion of inconvenience chiefly applies to the discussion of controverted points in despatches, points particularly controverted between the Court and the Board; and one inconvenience of which I can speak practically, is, that it has of late years been almost impossible for the Chairs, in negociating or discussing matters with the Board, to answer what the conduct

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conduct of the Court shall be, and it has frequently happened that the Chairs have to the best of their power undertaken for a particular modification perhaps, or some compromise between the Court and the Board, and have not been able to effect it. I apprehend that if the number of persons having an equal voice in the Court were reduced; for instance, if only the Committee of Correspondence had voices upon such occasions, there would be much convenience; but I beg to say, that with respect to the internal operation of the system at the India House, I cannot speak with much confidence.

1602. You have stated, in reference to the system of rotation, that there are inconveniences connected with it; is there not one convenience, by which the body delegating the authority are enabled to resume it in the case of a Director who either has been inefficient, or at least supposed to be; and has not that occurred so often as to render it by no means a matter of form that the same individuals should in all cases be re-elected?—I have already said that I am not of opinion that the Court of Directors ought to hold their offices for life; and I certainly hold that view of the possibility of a necessity for omitting the name of a Director whose conduct might not have been satisfactory; but at the same time I have some doubts as to the competency of the electing body to form a correct judgment of the propriety of a Director's conduct, or at least of his capacity for his office, always excepting cases of corruption or gross impropriety of conduct, in which I apprehend that the body of proprietors are perfectly good judges. At this moment I have only in my mind one instance of a Director losing his election, which Director was afterwards restored. I am pretty well satisfied that in both cases that was owing to a fluctuation of particular interests in the body, and with no reference to his qualification as a Director.

1603. Under the Bill of 1783, it was proposed that the Crown should nominate seven Directors, and that the proprietors should nominate nine; are you aware how the succession in that body was to be continued?—I am not; but I consider the notion that it is the interests of the proprietors which the Directors represent to be a great fallacy. The proprietors have really no interest whatever in the concern except that of receiving their dividends: they certainly are interested in the good government of India and in the conduct of the China trade so far as their dividends are affected, but otherwise they are not really the people whom the Indian Directors represent in the government.

1604. During your continuance at the India Board had you occasion to consider the construction and working of the local governments in India?—Not as it has been considered more recently. The only point upon which I was disposed to form an opinion, from some personal communication with competent authorities, was this: I do believe that the Governor-general, having the local government of Bengal in addition to his more general duties, has too much to do, and that the consequence must be some inconvenience in the exercise of one or other of those functions. I do not apprehend that one scheme which has been submitted to the Committee, that of having the Governor-general and three Lieutenant-governors, which Lieutenant-governors should report to the Governor-general, as the governments now all report to England, would at all answer the end proposed. I apprehend that, under those circumstances, the Governor-general would have considerably more to do that he has now to do. For some other purposes it might be convenient; it certainly

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tainly would—which was one object, I apprehend, for which it was planned—lessen the labour at home; but I apprehend that the labour put upon the Governor-general would be excessive, not to advert to the very high degree of confidence that must be reposed in him if his control is in any degree to supersede that of the authorities at home, a point of which I own I entertain considerable doubts, though I am not prepared to say that some of the minute superintendence might not be dispensed with; if, however, that goes to the Governor-general, it will not have the effect of relieving him from the burdensomeness of his present duties.

1605. You consider that this evil would more than counterbalance the existing evils of the subordinate presidencies being independent of government?—They are not now independent; but I have a middle course, which course, however, unfortunately would not lead to a saving of expense, and I apprehend that when the suggestion was made to me at the Board, that was the one that was contemplated, that the Governor-general should have the functions of Governor-general only, there being a Governor also at Bengal, or if you please to call them all Lieutenant-governors, that makes no difference; but that there should be three local Governors and one superintending Governor, but that that superintendence should not consist in that minuteness of control which the other scheme appears to me to contemplate. By this means the Governor-general, I apprehend, would have the whole of the management of the political affairs in India, and would exercise a general superintendence in all the other departments over all the subordinate governments. That I take to be the scheme which was several times suggested to the Court when I was there, especially by Sir John Malcolm.

1606. You have supposed that the last scheme to which you have referred would probably be attended with an increase rather than with a diminution of expense; must not that depend upon the necessity of maintaining the councillors on the footing upon which they are now established at the subordinate presidencies?—Decidedly; but I apprehend that the councillors would not be necessary on the appointment of a Governor-general at Bengal. The continuance of councillors, however, is another question.

1607. What has been your observation of the working of the system of the Governors and their Councils at the respective presidencies?—I speak with hesitation, but I am upon the whole inclined to think that the government might be very well conducted without the Councils. At present the councillors are no check upon the Governor in any case in which he chooses to exercise his own independent power; and of that in Bengal there has been a most extraordinary instance. A Governor certainly going to India would be perfectly helpless unless he had the constant means of consulting the Company's servants who have filled high situations; but I am not prepared at all to say that the secretaries of government and the heads of the departments might not give him the assistance which the councillors now give him, and the public at the same time lose no efficient check. I would say, though I am afraid it is one of those kind of remarks to which not much attention will be paid, that I should be very sorry, in the present state of the Indian service, that any high and lucrative office, filled by a Company's servant having served for a long time in India, should be abolished, and I speak of this, in fact, in some degree as a matter of policy and propriety.

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1608. The plan to which you first adverted as having been mentioned to this Committee, contemplated further the establishment of a permanent legislative council in India; has that subject come at all under your consideration?—Certainly in a degree. There again I apprehend the plan has come before the Committee in more than one shape. One object I take to be simply framing what are called Regulations, those ordinances having the effect of law, which are now passed by the Governors in Council. Another project embraces a much more extensive object; namely, that of superseding the distinction between the law of the King's courts and the law of the Company's courts throughout India, and I understand it to have been proposed even to form a council which should have the same power over India as, in truth, Parliament now has; a council enabled to make laws binding upon all the King's subjects, British-born and Indians. I own that I do not see the necessity of that great change, and I have great doubts as to the possibility of creating a council that would perform the functions satisfactorily. I think there certainly is great inconvenience, some real and a great deal more possible, in the confliction of the King's courts with the Company's courts, and the functions of the government; but I am not prepared to withdraw from the King's English subjects the benefits, as they are well considered, of the English law; and on the other hand, I am quite as little prepared to extend that law to the provincial courts. I apprehend that that is a very great question, which may be very properly dealt with in England, with the help of some of those who have been judges in India; but I am very far from desiring to see the judges in India, who I think ought to be as independent of government as they are in this country, forming part of any legislative council for this or for any other purpose. With respect to the smaller matter of merely framing the Regulations, I really am not aware that the Regulations of the Indian government are open to more criticism than all detailed laws are and must be. If I were to make a comparison, I should say, that the Regulations were rather better done than our Acts of Parliament, and I conceive that a much slighter change than that of the establishment of a legislature, composed of a variety of functionaries, might insure any amendment that is required in the composition of those Regulations. I think there appears to be in some part of the records before the Committee some confusion, when it is said that the King's Court and the Government are two conflicting authorities. I apprehend that is not more the case in India than it is in England. The Court of King's Bench in England is perfectly competent to coerce and restrain a public functionary who exceeds his duty. The only difference is, that in England there is one authority supreme over both, namely, the authority of Parliament; and it has been suggested, I observe, that the Government should have, being the supreme power in India, the authority which Parliament has, an authority superior to the courts. Now it is hardly necessary to say to this Committee, that Parliament seldom, probably I may say never, interposes its authority in any proceeding of a court, and therefore the power to be given to an Indian government, if given at all, must be given upon perfectly special peculiar grounds. Now I am not prepared to say that those grounds do not exist, that is, I am not prepared to say that there may not be a case in which it may be fitting for the Government to interfere with the process of the King's Court, especially in a case in which there is any doubt as to jurisdiction: and I do not absolutely condemn the

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the proposition for giving to the local Governments for a short time, and to the Governor-General for such time as may be necessary, on a reference to England, the power of preventing the execution of the process of the King's Court upon a distinct and positive declaration, under the Governor's responsibility, that the exercise of such process would be attended with public danger. It certainly has been represented, that the exercise of the process in some instances would have been productive of that result, and considering the very peculiar nature of the Indian government, I think possibly a proposition might be entertained for giving the Government the suggested authority.

1609. Do you consider the Regulations of the Supreme Court as being sufficiently defined?—Certainly not; and that is one of the considerations that prompts my former answer. I think it is impossible to read what has been written upon this subject by the Bengal judges without seeing that the jurisdiction is extremely indefinite. One mode of getting rid of that difficulty is to define the jurisdiction; another is that to which I have alluded before, of having but one jurisdiction throughout India. I own that the difficulties in the way of the latter appear to me insuperable; and I think therefore that the former should be attempted. Another scheme is to appoint local agents having the entire control of districts considerably less, if I understand it, than those of the government, but larger than those of the present collectorates. I am inclined to believe that that suggestion has a fault, which I own, much as in many respects I admire the system of Sir Thomas Munro, did belong to many of his suggestions. The gentleman who made it was a disciple of Sir Thomas Munro; and the fault, if it be one, is attributable to the same circumstance, namely, his own competency to do that to which men in general are not equal. I believe that if you could always insure good men in such an office as that contemplated in the evidence of Mr. Sullivan, there would be a great improvement both in efficiency and economy; but I have great doubts whether you would be able to find persons properly qualified. Having mentioned the name of Mr. Sullivan, I take the liberty of referring to an observation of his, in which I entirely concur, as to the great difference between the English Universities and the College at Haileybury. The English Universities certainly connect every man, whatever may be his subsequent profession, with persons of all professions, and in all but the lower ranks of life. The College at Haileybury connects an individual only with those amongst whom he is to live in one particular line. I do take the liberty of saying, that I consider it as a matter of very great political importance that the persons, both military and civil, who serve in India, should be more than they are now, connected with others, according to the English University system. I cannot, in this Committee, pursue that observation with respect to the army, in which I think an improvement might be made with very great facility; indeed, I am not so well prepared to suggest the mode in which it should be done in the civil service, but having read the evidence of Mr. Sullivan, I beg leave to give my opinion, that it is a matter which in any new arrangement ought to be attended to.

Lunæ, 16° *die Aprilis*, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

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N. B. Edmonstone, Esq.

NEIL BENJAMIN EDMONSTONE, Esq. called in and examined.

1610. DURING what period were you in India, and in what situations did you serve the East-India Company?—I was appointed a Writer on the Bengal establishment in the year 1782, and arrived in India in the year following. During the early period of service I was of course attached to one or other of the public offices in a subordinate capacity. In the year 1788 I accompanied Sir John Kennaway on his embassy to Hydrabad, and was there upwards of two years. I was then removed to the situation of Deputy Persian Translator to the Government. In 1794 I succeeded to be the principal in that office. In the year 1801 I was appointed Secretary to the Government in the Secret, Political and Foreign departments, which office I filled for 11 years, three of which years I held conjointly with that office the office of Chief Secretary to the Government. In 1812 I succeeded, by appointment of the Court of Directors, to the situation of Member of the Supreme Council, which I held for five years, during about 15 months of which time I filled the office of Vice-president in Council in the absence of the Governor-general, Lord Hastings; and in the beginning of the year 1818 I embarked on my return to England.

1611. Had you made any proficiency in the Oriental languages previously to your departure for India?—I had acquired a slight elementary knowledge of Persian, extending however little beyond the first rudiments of grammar, and consequently not such as to be of any material use; but immediately after my arrival in India I applied myself to the study of the Oriental languages.

1612. Have you considered the existing system of educating young men in this country for the civil service; and do you consider it effective to its purpose, or if not, in what respect do you think it is deficient?—I think that the East-India College has had the effect of sending out young men generally better educated than before, and they have also had the advantage of acquiring such a degree of elementary knowledge of the Oriental languages as greatly facilitated and accelerated their acquirement of those languages after their arrival in India. Generally I conceive that the civil servants have been better educated since the establishment of the college than they were before.

1613. Do you consider their general conduct and proficiency when placed in the college at Calcutta as upon the whole satisfactory?—Their proficiency in the Oriental languages I had reason to know was generally satisfactory; but I have always been of opinion that the college at Calcutta, by congregating a number of young men at the metropolis a considerable time, had a prejudicial effect upon their conduct.

1614. You stated that you consider that since the institution of the college the young men have been better educated; will you state in what respects you conceive them

them to have been better educated beyond the point of elementary acquisition of the languages?—It secured their having to a certain extent the accomplishments of a liberal education, a proficiency in the classics, a knowledge of history, of the elements of jurisprudence and political economy; in short, it has always appeared to me that the institution of the college afforded a security for their all being more or less qualified by a liberal education for the situations they were destined to fill.

1615. Are the Committee to understand that any qualifications of that description are required in the college at Calcutta, or any other than a certain proficiency in two of the Oriental languages?—According to Lord Wellesley's original plan the classics and all other branches of knowledge and science were to be taught in the college of Fort William, but that comprehensive scheme of education was disallowed by the authorities at home, and confined entirely to the study of the Oriental languages.

1616. Does the age at which young men now go out from this country to India appear to you the most advantageously selected?—It is a subject to which I have frequently directed my thoughts, but have found great difficulty in arriving at a satisfactory conclusion, for there is a great deal that may be said on both sides of the question. On the one hand, by going out early, they become more readily attached to the service; they go out with minds less preoccupied by the allurements of society, before the natural passions and propensities of youth have been accustomed to indulgence, while their habits are yet unfixed, and their dispositions more pliable, and therefore more easily accommodated to the change in their condition, and to the obligations and restraints of the service for which they are intended. On the other hand, by going out at a more advanced age, they are previously exposed to the moral dangers and temptations of the most critical season of life. The pleasures and enjoyments into which they have been initiated are apt to take a strong hold upon their minds; they quit their native country with a greater degree of reluctance, and do not consequently take to the service with the willingness and zeal with which they used to enter it at an earlier age; but upon the whole, I think it must be admitted, that as certain and very considerable qualifications are necessary for the due discharge of the duties which these young men are destined to undertake, it is highly important to provide for their attainment of those qualifications previously to their entering the service, and therefore I am disposed to be of opinion, that the preponderance of the argument is in favour of their going out at a later than at an earlier period of life. I mean to draw the comparison between the ages of 16 or 17, and 18, 19 or 20.

1617. Considering the highly important character of many of the functions to which they are called, should you say that there had hitherto been a sufficient degree of ground of selection within the reach of the Governor-general of India for the appointment of persons competent to fill such situations?—I think we may refer to the history of British India for an answer to that question. The success that has attended the administration of our affairs in that country affords, in my opinion, ample proof that talents and qualifications adequate to all the duties and exigencies of the public service have been found among the civil servants of the Company abroad; much however must depend upon those qualities of a master mind by which the individual at the head of the government is enabled both to dis-

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cover, amidst the class of persons from whom he has to select the instruments of his measures, the possession of the requisite talents and abilities, and to animate, encourage, and reward the faithful and devoted exertion of them.

1618. On what principle is the promotion of young men once embarked in the civil employment in India regulated; is it by seniority for the most part, or is it by selection?—There is no fixed rule, and it must depend mainly upon the judgment and discrimination of the Governor General, but, *cæteris paribus*, seniority has always been considered as possessing a claim to promotion; at the same time there are numberless instances of juniors having been appointed to situations of the highest class, to the exclusion of their seniors in the service.

1619. But you would consider that rather as the exception than as the rule?—Rather the exception than the rule, because, *cæteris paribus*, seniority has always been considered as possessing a claim to promotion. I might instance that in my own case: I had the good fortune to be selected to fill offices of distinction and emolument that my seniors might justly have claimed. I only mention this to show that instances of deviation from the rule of seniority have been exceedingly common, and, as far as I have had reason to observe, they have generally been regulated by the exigencies of the public service.

1620. Are you of opinion that the mode of nomination by individuals subject to no public responsibility in the exercise of their patronage, affords the best chance to the public of obtaining men of eminence and high qualifications for the civil service of India?—I think that such mode of nomination cannot be prejudicial to that object, because the patronage is exercised gratuitously, and under no other influence than that of family connexion or private friendship; and further, because the youths are selected before their talents and characters are developed, and are for the most part selected from families of distinction and opulence, families who have the means of affording the best education to their children.

1621. Would not that be equally the case if the appointments were conducted under another mode than that of individual nomination: for example, by public competition?—Certainly that would afford the means of selecting youths of the highest promise.

1622. Should you not say that the character and talents of young men begin to develope themselves at the period of life at which they are now selected for the Indian service?—That it cannot be denied; but the promise of a nomination is very commonly given before a judgment can be formed of the future ability and character of the youth, and therefore to that extent it is a matter of chance.

1623. What regulates the determination of the number of young men annually sent out to fill the writerships of the different presidencies?—A return of the casualties by death or by absence which is received from India.

1624. Is regard had to the number of persons unemployed at the time in India?—I hardly feel myself competent to answer that question. That statement is always made out in the Auditor's office at the India House. The Auditor would be able to give the most accurate information upon that point.

1625. Beyond such reductions as may reasonably be effected in the salaries and appointments of any civil servants in India, what other means present themselves to your mind by which that large expenditure might be hereafter diminished?—By a more

a more extensive employment of natives, I think there is no doubt that a very considerable reduction might be made. The reduction of the salaries of the civil servants I conceive should not be allowed to go beyond a certain extent. If carried too far, it would tend to the revival of those malpractices which existed many years ago to a great extent, and which were effectually checked by the very opposite process, that of increasing their salaries.

1626. From your long observation of the character and capacities of the natives of India, should you say that their services might be with safety more extensively introduced into the civil administration of that country?—I think they might; but they should act under the superintendence of European functionaries. They certainly are peculiarly well qualified for various situations, especially in the judicial and revenue branches of the administration; their local knowledge and habits as natives, and their complete possession of the language, necessarily render them so.

1627. In those departments you would see no objection to opening the career to them, subject always to European control?—Certainly not; I have always been an advocate for their more extended employment; at the same time, I should not be for advancing them precipitately to the exercise of the higher functions of office; it should be done gradually and cautiously, and they should be more liberally paid than they are at present.

1628. With a view to their more general admission into such employments, should you not consider a more extensive system of native education is highly desirable?—Certainly; and that system has been long in operation. I was always favourable to it, and when in a situation to promote it, I contributed my share towards its advancement.

1629. Are you of opinion that it would be desirable that a greater promulgation of the English language should form part of the system of native education?—I cannot say that it ever appeared to me to be material. I think the English language never can be promulgated among the natives so as to be in any degree a substitute for the languages of the country, either in colloquial intercourse or in the transaction of business.

1630. Does there not exist a disposition on their part to acquire the language?—Many of those who are in the habits of communication and intercourse with Europeans, and who are in and about the presidency, are desirous of acquiring the English language, to enable them to be employed in the public offices under government; I believe that to be the chief motive. Since the institution of the seminaries of education at the presidency, at which English is taught, and where natives of rank are in the habit of sending their children, I have understood that many apply themselves to the acquirement of the English language.

1631. It has been stated to the Committee, that one of the chief impediments in the way of the more general adoption of a system of native instruction has been found to consist in the want of instructors; does it appear to you that due advantage is taken of the education and qualification for that purpose of the description of persons called half-castes in India, or might they not be more employed as a useful body in that capacity?—I do not imagine they can be considered (generally speaking) well qualified for such a duty; they are not held in respect by the natives; the bulk of them are in a very inferior station of life, have never been out of India, and

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and are very imperfectly educated. There are, however, many well educated and respectable persons among them, especially those who have been sent to England for education.

1632. What effect upon the minds of the natives morally do you conceive would be likely to be produced by their being more closely and intimately mixed up with the administration of the affairs of their own country?—The natural tendency of it would be to improve their moral character, and to attach them to the government.

1633 The Committee have understood that at the present time a free native press exists in India; under such altered circumstances, does it appear to you more than ever desirable that every means should be taken to connect them by their interests with the British system in India?—Most certainly. The native press has arisen since I left India; I imagine it may be a powerful engine either for evil or for good, according as it is directed. The establishment of a free native press forms, in my opinion, a new and most important epoch in the history of British India.

1634. It seems that at present the Regulations regarding the press vary materially in the different presidencies; do you see any good reason why those Regulations should not be assimilated, and one uniform rule laid down respecting the press throughout the whole of India?—I am not aware of any such differences between the several presidencies as to render such a distinction at all necessary. I should be of opinion that an uniform system of restriction, as far as restriction is deemed expedient, should be established in all the presidencies.

1635. At Madras, for example, a direct censorship is up to this hour exercised, while, on the other hand, the press in Calcutta appears to be perfectly free; do you see any good grounds why such a distinction should continue?—I was always adverse to the freedom of the press, because I thought it inconsistent with the condition of the people and with the nature of the government; a free press, and what may be called, in a limited sense, an arbitrary or despotic government, seem to be wholly unsuited to each other; and accordingly, the effect of opening the press has, in my opinion, been to weaken the authority of the government: but to re-establish the censorship, supposing it to be desirable, is now, I presume, entirely out of the question. I should have preferred the continuance of the censorship on the ground that I have stated; but as it has been taken off in Bengal, I see no reason why it should not be removed at Madras also, upon the general principle of establishing an uniformity of system.

1636. Will you state in what particulars the authority of the government appears to have been weakened, or what evidence there is of any such effect having followed from the relaxation of the restrictions upon the press in Bengal?—The unrestricted discussion of public subjects and public measures, and the latitude of observation on the characters and conduct of persons high in office, in which the press is accustomed to indulge, have necessarily diminished that deference and respect in which it is of so much importance that the government should be held.

1637. Can you state to the Committee any evidence which has appeared of the authority of the government in India being at this time weaker than it had been at any preceding period?—I can only say, that from the information we receive from India it does appear to me that the government is not capable of exercising the

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same degree of authority and control over the European population, and over the civil service, that it used to exercise before.

1638. Are the Committee to understand, that any representations to that effect have been conveyed to you from the government in India?—I derive my impressions from a variety of sources, both public and private, from official documents and private correspondence.

1639. Do the minutes of the council in Bengal bear out any such inference?— I have not, to the best of my recollection, seen that opinion specifically stated in any minutes of the council.

1640. When you state that, in your opinion, the increased freedom of the press has had the effect of diminishing the respect felt by the subjects to the government in India, do you mean to confine that observation to the European subjects, or do you include also the native population?—The latitude of discussion which I have described must necessarily have an effect upon the native population as well as the European.

1641. Have any instances come to your knowledge of that effect having been produced upon the native population, or have you formed that opinion upon general grounds?—Upon general grounds. I think that it has a natural tendency to spread beyond the limits of the European population, and the native press must necessarily add to it.

1642. In a government founded upon the opinion of the force and the talent of their present rulers, like the government of our Eastern empire, is it not a matter of course that anything that impeaches the ground upon which that government acts, must, in the nature of things, weaken the hold which it has upon the people so governed? —That question in fact explains my own meaning better than I did myself; I think it does so. That is the species of effect that I conceive the habit of unrestricted animadversion on the measures and proceedings of the government, and the conduct and character of its members, must necessarily produce. The state of society in India does not admit of that counteraction which in this country renders such unlimited freedom of discussion not only innoxious, but to a certain extent beneficial.

1643. Should you concur in calling the government of India a government founded upon opinion?—In a great measure it must be considered so; at the same time it is an opinion founded upon a real superiority of character and greatness of achievement.

1644. Are you of opinion that it would be expedient to put the native press under closer restrictions than the European press should be subjected to?—I should think not. It could not, in my opinion, have any beneficial result; indeed, as it would be calculated to excite suspicion in the minds of the natives, it might rather have a prejudicial than a beneficial effect.

1645. You have stated that you consider it desirable, for the sake of uniformity, that the system adopted with respect to the press at Calcutta and at Bombay should be adopted at Madras also; do you conceive that there have been local circumstances connected with the presidency at Madras, both as relates to the residence of a native prince almost within the fort, and as to the neighbourhood of other native princes, much nearer to Madras than to other presidencies, which have rendered

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rendered it inexpedient to give the same vent to public opinion in Madras that has been permitted at Calcutta or at Bombay?—I have never contemplated the subject in that point of view, but it does not appear to me that that constitutes any particular reason why it should be so.

1646. What amount of restriction should you consider it desirable for the future to impose upon the access of Europeans to India?—I am favourable to the continuance of the existing restrictions.

1647. Do you include in that the restriction with regard to the occupation of land in that country?—Yes.

1648. You are aware that to some extent latterly in Bengal that restriction has been deviated from, inasmuch as it has been permitted to Europeans to take leases of land of some duration?—I am perfectly aware of that; and in fact the question with regard to the admission of Europeans as landholders seems to be already decided, the local government having, without previous reference to the authorities at home, come to a resolution to allow Europeans to hold leases of 60 years' duration; that arrangement has been confirmed by the authorities at home, with the limitation of the leases to 21 years instead of 60. In fact it seems to me that the subject is no longer open to decision; that the momentous question of admitting Europeans to establish themselves as landholders in the interior of the country is disposed of by that resolution, and the limited confirmation of it, to which I was entirely adverse.

1649. Upon what principle did you feel adverse to this alteration of the system? —I think that the European settlers would interfere with the possessions, rights, and interests of the native landholders; they would become their rivals; and from their natural superiority of character, from their connexions and their influence, successfully so. I consider it to be a system calculated to keep down the natives rather than to elevate them. We have seen, in the conduct of the indigo planters and their agents, how much mischief has been produced by the residence in the interior of the country of Europeans having a connexion with the land. If British subjects are admitted indiscriminately as landholders, it would be necessary, I conceive, to introduce a new system of judicature for the control of them. The present has been found insufficient for that purpose, and would be found still more so in proportion to the increase of the number of European settlers. Our primary duty is to consider what is most for the benefit and prosperity of our native subjects; and it does not appear to me that the effect of allowing Europeans to hold lands will be to secure their rights and promote their interests, but, on the contrary, to injure them. The reports which have been transmitted upon that subject from Bengal within the last two years contain numerous representations of disturbances, and even actual conflicts, occasioned by the collision of rival interests, and of the injustice and oppression experienced by the ryots and others at the hands of the planters or their native servants. One source of such disorders is the practice (it appears, not uncommon) of ryots receiving advances from two parties. At the period for the delivery of the crop each party of course claims the fulfilment of his contract, and endeavours to get possession of the crop by an armed force, which the planters are stated to be generally in the habit of keeping in pay for such purpose; and conflicts ensue, attended in some cases with loss of life.

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1650. You state that indigo planters employed armed men to collect their crops; is that the custom with the native landholders?—I believe not. In the despatches to which I allude, the indigo planters only are mentioned as being in the habit of entertaining armed men. It may be proper to mention, that these despatches are in answer to orders transmitted to Bengal in the year 1829, requiring the Government to obtain the fullest information regarding the conduct of the indigo planters in the several districts under that presidency, which information was supplied by reports from the magistrates of all the districts in which indigo planters were settled, many of them representing the existence of a deplorable state of confusion and disorder, occasioned by the conduct of the indigo planters and their servants, and the system under which the indigo plant is cultivated and supplied. A new Regulation was framed in consequence.

1651. Do you go the whole length of thinking, that under no system of Regulations would it be expedient to allow Europeans to become landholders in India?—I confess I have always felt generally adverse to that system, particularly on the extended scale now sanctioned; and I cannot bring myself to think that in its operation, on the extended scale now allowed, it can be otherwise than prejudicial to the rights and interests of the native landholders. I do not mean to object to Europeans of character and capital being permitted, as they hitherto have been in special cases and under proper restrictions, to hold lands for the purpose of introducing or improving the culture of articles requiring the aid of British skill, science and enterprise, such as indigo, coffee and other products; but to give them a general licence to establish themselves in the country as landholders I conceive is calculated to produce effects highly prejudicial to the interest and well-being of the natives, and to the maintenance of good order and tranquillity.

1652. Must it not be physically impossible that the European population should, to any degree whatever, at any time supersede the native agricultural population of the country?—Undoubtedly the climate alone would render it so.

1653 That being the case, must not an European who possesses himself of land be one of these two, either a man who proposes to lay out some capital in the improvement of the land, or who fills the situation of an overseer under him; are not those the only two persons who can be employed in India in the cultivation of the land?—That may, I think, be admitted.

1654. Should you conceive that those two persons are in any situation to be in any respect formidable to the natives in India?—It is the unrestricted admission of British subjects as landholders, who are liable to become the rivals and oppressors of the natives, that I object to.

1655. Is not the chief engine of agricultural improvement in India, for example, irrigation; and if so, must it not be highly beneficial to the natives of the country that those who possess the means should employ them in constructing works to give effect to that engine?—Certainly.

1656. Has it happened within your experience or knowledge that those Europeans who have hitherto established themselves in the interior have made themselves obnoxious to the religious feelings and prejudices of the natives of that country?—I do not recollect any instances of that kind, I should not say in general that they have done so.

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1657. You have stated that, in your apprehension, under the new circumstance of Europeans holding land, it would be necessary to introduce a new system of judicature; are you aware that the principal objection hitherto urged by the natives to Europeans so employing themselves has been the difficulties under which they laboured in seeking redress, often at great distance and very ruinous expense, at the presidency?—The difficulty which I think must be experienced in affording protection to the natives is a main objection to the extended admission of Europeans into the country as landholders.

1658. Supposing an European was disposed to submit himself to the jurisdiction of the Company's courts in the provinces, what difficulties do you then foresee in his residing in the midst of a native community?—In that country where so much depends upon the respect in which the British character and the persons of British subjects are held, I apprehend that great evil might arise from their being placed in that manner upon a footing with natives, subjected to the same treatment and the same laws and penalties.

1659. In what way do you apprehend that greater evils would result from the residence of Europeans in the interior of India if they held land in their own persons, or if they held it in the names of others, as they do now in the case of indigo planters?—I think the system of their holding land as they now do in the names of others is a very prejudicial practice. It is an evasion of the law.

1660. Do you then think it is prejudicial that Europeans should hold land under any circumstances, either in their own names, or in the names of others?—My objection is to the admission of Europeans as holders of land for general agricultural purposes like the native zemindars, which now seems to be sanctioned.

1661. You were understood to state that you thought it very desirable that capital should be invested in India for the cultivation of indigo and other things?—Yes, but it is not necessary therefore that they should hold large estates in their own hands for that purpose; for the cultivation of indigo, for instance, all that they require is a sufficient space of ground for the erection of a factory, and the buildings and machinery requisite to carry on the work. They can contract, as they actually do, with the natives for the supply of the raw material. The occupation of lands, however, may be necessary for the purpose of rearing some other products, such as coffee, for instance, which requires much skill, care, and cultivation, and several years to bring it to maturity. For such objects special licences might be granted, as was actually sanctioned by the home authorities seven or eight years ago, for the cultivation of this very article in Bengal. But this is very different from admitting Europeans indiscriminately to hold lands on long leases for general agricultural purposes.

1662. You have stated as a probable evil the necessity of erecting a new system of judicature; do there not co-exist in India at the present time two concurrent or conflicting, as it may be, systems of jurisdiction?—Yes, that certainly is the case; the Supreme Court and the Company's Courts are, in some instances, concurrent, and in many instances, conflicting; the jurisdiction of the Supreme Court not being by any means accurately defined.

1663. Are the natives of India amenable to one or to both of those systems?—As well as I recollect the provisions of the statute, those natives are subject to the

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Supreme Court at the several presidencies where they live within the jurisdiction of the Supreme Court, and those who are considered in the light of servants of the Company; with those exceptions, I believe, the natives are exempt from the jurisdiction of the Supreme Court, but constructively natives not so circumstanced have, on many occasions, been brought within its jurisdiction.

1664. You have spoken of the limits of the jurisdiction of the King's Courts; will you state what are those limits?—All the three presidencies have certain local limits; for instance, Calcutta is bounded on the east by what is called the Old Mahratta Ditch; to the south by a canal called Tolly's Nullah; the northern boundary is not immediately in my recollection; on the west by the river; and there are similar boundaries at Bombay and Madras; and those who live within those limits are subject to the jurisdiction of the Supreme Court.

1665. Do you mean that no jurisdiction is at the present day claimed by the Supreme Court without those limits?—The Supreme Court has claimed jurisdiction beyond those limits, as we have seen lately at Bombay.

1666. Have they not acted upon that claim; are there not instances in which by their process they have compelled individuals to come from a distance in the interior to the presidency?—Exactly so; that is what I meant by saying that constructively they have brought natives within the limits of their jurisdiction.

1667. In what light, with reference to authority, do you conceive that the natives can behold this division of conflicting power?—They must necessarily regard it as an anomaly. It has also been a subject of complaint among those who have in this manner been brought within the limits of the Supreme Court's jurisdiction.

1668. It is known historically that this jurisdiction of the Supreme Court rose out of very small beginnings. Should you consider it impracticable to frame one uniform jurisdiction to embrace all the King's subjects, native as well as European, throughout India?—I think it is not practicable to frame one that shall be adapted to the condition and character of both classes.

1669. Have the advantages of the introduction of the British system of judicature been very apparent in Calcutta?—I am rather apprehensive that it has been found in practice rather injurious than beneficial to the natives. Numbers of them have been ruined by being engaged in causes in the Supreme Court; I believe that opinion is very generally entertained.

1670. As it is your opinion that the adoption of one uniform system of jurisdiction would not be practicable, does any mode occur to you of remedying the evil to which you have last referred?—I should be disposed very much to limit the authority of an English court of judicature, to confine it as much as possible to the Europeans, and to confine its jurisdiction in the utmost practicable degree. I am even disposed to go so far as to think that in place of a Supreme Court such as is now established, with three judges and all its officers, a more simple court, such as a Mayor's Court or a Recorder's Court, would be more beneficial upon the whole.

1671. Have not great ameliorations already taken place in the administration of the Mahomedan criminal law in the courts of the Mofussil?—Very great; strictly speaking indeed, it can hardly be denominated Mahomedan law as it now exists, it

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it has been so considerably modified with respect both to the rules of evidence and to infliction of punishments.

1672. Is that then a system of law under which an European settler need fear to place himself, more especially if in graver cases it was made subject to an appeal of which an European governor or magistrate should be constituted a part?—An European would necessarily complain of being subject to trial without a jury; he would not, I presume, readily consent to lose the privilege of being tried by the laws of his own country, nor submit to the authority of a criminal code founded on the Koran, and of which the expounder is a Mussulman priest.

1673. Would it be impossible to arrive at something in the nature of a jury institution, though probably not so numerous, restricted possibly to the number of the punchayet, in the chief places of the provinces?—In that case the European would be liable to be tried by a jury not of his own countrymen, by a jury of natives, which I should conceive decidedly objectionable.

1674. What if, in the case of a trial of a native, three of the five jurors should be natives, and in the case of a trial of an European three of the five jurors should be European?—I should be very sorry to see an European placed before any tribunal of which a native formed one of the assessors, or by a jury of which natives formed a part.

1675. Is there any evidence whatever, as far as comes within your knowledge that hitherto, in the discharge of the minor judicial duties that belong to them, the natives have exhibited any jealousy of or prejudice against Europeans?—I confess I do not clearly understand the scope of that question. I am not aware how, in the discharge of those duties, the natives are in a position to manifest such jealousy or prejudice.

1676. You have stated that you consider the existing restrictions upon residence in India as desirable to be continued; has any practical advantage, in your opinion, arisen from that system which requires that every individual traveller should have a licence for the particular point to which his journey is destined?—It has had, to a certain extent, the effect of preventing improper persons obtaining access to the interior of the country.

1677. Does not the inevitable restriction which the expense of a voyage to India, and the necessary outfit, however small, occasion, in itself, go a great way to prevent any dangerous influx of mere indigent adventurers into that country?—I do not think it would have the effect of preventing them. There have been numberless instances of indigent persons obtaining the means of getting out to India, and going into the country as mere adventurers, perhaps on borrowed capital; some have succeeded, and some have failed.

1678. Should the power of deportation for a supposed but undeclared offence be absolute, in your opinion, with the Governor, or would it not meet almost every possible exigency if that power were subjected to an appeal to the home authorities, and the object of it confined to any particular quarter, until the sense of those authorities was taken upon his case?—I think that the power of deportation should continue to exist in the local government, and that they should be at liberty to exercise that power in cases of great emergency; but I do not see any objection to its being subject, as a general rule, to reference to the authorities at home; I would not,

not, however, deprive the Government entirely of the power of immediately removing a turbulent and dangerous character, whose continuance might be deemed injurious to the public interests.

1679. In how many cases has the extreme force of the law been called into action during your experience of Indian administration, or during your knowledge of it historically?—I only recollect five cases; the case of Mr. Duane, Dr. M'Lean, Mr. Buckingham, Mr. Fair at Bombay, and Mr. Arnot.

1680. Do you conceive that that power, the existence of which has been known only in the few cases to which you have called the attention of the Committee, has had any material effect in preventing the ingress of British capital and British enterprise into India, so far as capital and enterprise were required?—No; I do not think it has had any such effect, nor that it is calculated to have, because no one will go there under the anticipation of placing himself in a situation to incur that penalty.

1681. Do you think that it has practically operated to prevent any individual going there?—I do not think it has.

1682. As you have had ample opportunity of observing the working of the constituted authorities of the local government in India, will you give the Committee your opinion, in the first place, of the necessity or advantage that exists in the constitution of Governors with Councils?—I am of opinion that the assistance of persons of local experience and knowledge in the capacity of members of Council is indispensably necessary to enable the Governor to discharge his duties. The Governor-general, or Governor, is selected for the most part from persons who have never been in India, and consequently he must be totally unacquainted with local circumstances, and necessarily stand in need of the assistance of those who are possessed of that knowledge in which he is deficient. It does not seem to me that it would be practicable for them to carry on their duties without such assistance. On the other hand, the members of Council also serve as a check and a control over the Governor-general, or Governor, and the discussions that take place upon public subjects being on occasions of importance committed to writing, and forwarded to England, enable the authorities at home to exercise an efficient control over the conduct of the administration abroad, and it is the more efficient because the members of the Council are themselves responsible for the opinions they deliver.

1683. Is it in the executive or the legislative functions of the Governor-general that you consider such aid to be indispensable?—In both.

1684. Is not the authority of the Governor-general paramount to that of his Council?—In some cases.

1685. In any case may not his sole authority supersede the decision of the three other members of his Council?—Not so; because in that part of the Act of Parliament which applies to the subject the cases in which the Governor-general is at liberty to act on his own and sole responsibility are defined to be those in which the interests of the public service are essentially concerned; not in all ordinary cases. It is only in cases of an extraordinary nature that that authority can legally be exercised, and they have not, within my observation, been frequent.

1686. Do you mean to say that in ordinary cases, where such difference of opinion has arisen, that of the Governor-general has yielded to those of his own Council?—

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Council?—In ordinary cases, where a difference of opinion arises, the question is decided (as the law prescribes) by a majority, but I have known frequent occasions on which the Governor-general has yielded his opinion to that of the Members of Council.

1687. That which you so consider as necessary at Calcutta, do you consider equally necessary at the other presidencies?—Certainly.

1688. What advantage appears to you to result from the existence of a greater or lesser degree of independence of the Governor-general in the subordinate presidencies?—In point of fact, it is impossible for the Governor-general to exercise an official superintendence over the subordinate governments. He could not do it, unless all the proceedings of those governments were regularly reported to him, and if they were, it would be impossible for him to find leisure to peruse them. In cases of great importance, the other governments have been in the habit of making a reference to the Governor-general in Council. Generally, I think the subordinate governments might expediently and beneficially exercise legally, as in fact they do practically, an independent authority with regard to the affairs of their respective presidencies.

1689. Would it not, in your judgment, be highly desirable, if practicable, to have one general superintending and controlling power over our interests in the East?—I should say so, if it were practicable; but supposing such a general superintending and controlling authority could be practically established, I conceive that it would materially interfere with the control of the home authorities over the governments of India. It seems to me that it would be transferring the superintendence and control now exercised by the home authorities over the governments of India, to this species of local authority.

1690. In what respect would that effect be produced by the control at home being exercised over one governor, instead of being exercised, as at present, over three distinct governors?—Because that supreme authority could not supply the authorities here with the information and the recorded proceedings necessary to enable them to exercise it. At present they have the proceedings of all the governments in India before them, and by that means they are enabled to exercise a control over every branch of the administration; and that could not, I presume, take place if the subordinate governments were placed under the superintendence of the supreme authority, and required to report their proceedings to that authority instead of the home authorities.

1691. In what manner would the control at home be diminished if the Governor-general of India were enabled to report the proceedings with respect to the administration of the whole of India to the government at home instead of that information being furnished to them by three distinct governors?—At present the several governments transmit to England the whole of their proceedings and their correspondence. Now, under the supposition of their transmitting such correspondence and proceedings to the Governor-general, it would be necessary, to enable the home authorities to maintain the same supervision and control that they now exercise, that the Governor-general should furnish them with the same reports and materials that hitherto have been transmitted from the three different presidencies, which would obviously be impracticable.

1692. Does

1692. Does your objection then resolve itself mainly into the distance of those subordinate presidencies from the present seat of government?—The objection that strikes me is, that the proposed system must necessarily supersede the control which is at present exercised by the authorities at home over the local governments abroad; because, according to my conception, those authorities could not, under that system, be supplied with the means of exercising it. Indeed, if it were thought expedient to transfer the government of India entirely to the Governor-general, that is another question; but as long as it is considered necessary that the authorities at home should exercise a minute control over the proceedings of the governments abroad, so long, it appears to me, their proceedings must be recorded and transmitted to England.

1693. If, for instance, a certain number of vice-governors or lieutenant-governors were appointed, exercising considerable powers, but subject nevertheless to the direct control of the Governor-general, and who should report their proceedings to the Governor-general, in what manner would the control of the home authorities be diminished by those proceedings being transmitted through the Governor-general, instead of being transmitted, as at present, through the governors of those separate presidencies?—When we consider the vast mass of proceedings at each presidency that is annually sent to England, and then reflect that those proceedings are to be sent to the Governor-general, that he is then, in the first instance, to exercise the functions of direction and control that are at present exercised by the authorities at home, and then to report his proceedings with respect to all three presidencies, transmitting at the same time all the documents connected with them to England, it seems to me to form such a vast and complicated mass of business as no human powers of mind and body would be capable of executing.

1694. You have spoken of the mass of proceedings as an obstacle; does it occur to you that the mass may be greatly aggravated by the existing system of Councils at the several presidencies, and the Boards in the administration of the detail of public affairs?—I do not think that the system of Councils has that effect in any degree, but the practice of recording all the proceedings and correspondence of the Boards must of course add considerably to the mass of details. The practice of recording every transaction is what occasions the vast accumulation of matter, and so long as the government abroad is to be made accountable for all their acts to the authorities at home, so long must the habit of recording every transaction be continued.

1695. Is it not the tendency of public business to extend itself when it is under the administration of many instead of being under the responsibility of one?—Certainly that must be admitted.

1696. It has been suggested that it would be desirable to detach the Governor-general of India from the local administration of Bengal, and to leave him in possession merely of the general control. What occurs to you upon that suggestion?—I hardly see the possibility of his exercising that control unless the proceedings of the several governments are regularly transmitted to him; and I conceive if that be done it would accumulate the business in his hands to such a degree as to render it still more unmanageable than it is at present.

1697. Some

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1697. Some of the late questions have proceeded upon the assumption of a possible change in the local administration of India, by the substitution of vice-governors or lieutenant-governors in the room of the Governors in Council, for the two subordinate presidencies; do you or do you not consider that such substitution, as depriving the Indian service of its present expectancies either of the chair of such presidencies, or the seats at the council of such presidencies, would or would not be detrimental to the character of the service by depriving its members of high objects of ambition?—I should not think that the taking away what may be called those great prizes in the lottery would materially affect the character of the service, provided that to the subordinate offices of the administration such liberal emoluments be attached as would render them the objects of pursuit, and the means of gradually accumulating a competency.

1698. Assuming that the proposed substitution has reference to an increased economy in carrying on the Indian administration, do you conceive that such economy could be carried to such an extent, comparing the present expenses of the administration of the two presidencies with the general revenues derived under each, as would counterbalance the inconvenience and injury to the service of depriving it of the prizes at present held forth by those stations to the several members?—The value of the service would no doubt be deteriorated to a certain degree by depriving its members of the prospect of attaining to offices of such high rank and emolument; but I confess I do not perceive how the inconvenience and injury of such deterioration, be it more or less, is to be counterbalanced (as regards the interests and feelings of the civil servants) by any imaginable reduction of the charges of the administration, unless indeed a part of the saving were applied to the augmentation of the salaries of the subordinate offices.

1699. With the diminished means of acquiring fortunes at present existing in India, is it or is it not desirable still further to diminish the means left to the Indian service, and thereby to render their connection with home more and more precarious and indefinite?—I think it of the highest importance that the civil service of India should be upon such a footing as to afford the individuals belonging to it the prospect of returning with a competency to England, and not only that, but it is essential, I think, to secure general integrity in the administration of public affairs.

1700. Do you consider it the first duty of the Government and Legislature of this country to look at the means of making fortunes for individual Europeans, or to the interest of those natives out of whose industry and labour those fortunes are to be made?—Contrasting those two objects, there can be but one answer: the advantage of individual Europeans cannot, of course, be justly put in competition with the interests of our native subjects.

1701. Has the experience of the last 50 years in each of the three presidencies justified the conclusion that there is anything inconsistent with the interests and happiness and prosperity of the natives that the individuals appointed to the supreme authority in each of those presidencies, and especially in the two subordinate presidencies, should be selected from those who have grown up in the public service of the East-India Company?—My opinion has always been generally adverse to selecting the governors from among those who have belonged to the service, because I think,

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I think, with very few exceptions, that an individual who has passed through the several gradations of the public service, and has consequently been known in the lowest as well as in the higher grades, cannot assume that high tone of superiority, nor exercise that degree of influence and control, and attract that degree of deference and respect, which, in my judgment, contribute importantly to the efficient administration of the office of Governor, as regards both the European and native population. A person of eminence and distinction proceeding from England to fill that office, if duly qualified by character and talent, carries with him a greater degree of influence, and inspires more respect, than an individual who has been known in a subordinate capacity in India usually can.

1702. Are you aware of the number of individuals selected to the government of Madras and of Bombay respectively from the ranks of the Company's service in the course of the last 50 years?—I am aware that a considerable number have been appointed in that long course, and I admit that there may be, and have been, some splendid exceptions.

1703. Is it your opinion, looking at the increasing territorial debt of India, that it can be possible much longer to maintain the present expensive system of the administration of that country?—That reductions must be effected is obvious, and reductions have been effected to a very great extent; to such an extent that, I believe, according to the latest reports, there is reason to expect that in another year or two the charges and revenue will be nearly, if not entirely, equalized, but I am decidedly averse to such a reduction of the allowances of the public functionaries as would endanger their integrity; and I am firmly of opinion that they should always be placed, with respect to allowances, in a situation of respectability and independence, with the means of acquiring, by due care and economy, a competency with which to retire to their native country.

1704. Have not the members of the Council at Bengal at present 10,000 *l.* a year?—Yes.

1705. The whole principle of the Indian administration having been to keep India as much in connection with England as it was possible for a distant dependency governed by a small body of men to be kept to the mother-country, has it or has it not been materially promoted by giving to those persons who are obliged to pass a large part of their lives in India a continued stimulus to return home with fortunes proportioned to the length of their service?—I think so.

1706. Must not, permanently, a more effectual mode of maintaining our connection with India consist in sparing and fostering to the greatest possible degree the industry and means of the natives of that country?—I should think so, certainly, to a degree, in which it may be calculated to promote the interests of commerce, and to extend the commercial intercourse between Great Britain and India.

1707. You have been asked as to the necessity of allowing individuals to accumulate fortunes in India; are those fortunes so accumulated remitted home, or are they left to fructify in India?—For the most part they have been remitted to England; but some have left a portion of their property in India to fructify.

1708. Are not they, so far as they go, a perpetual drain upon the industry of the natives of India?—They constitute, so far, a political debt, which must be paid sooner or later from the produce of India.

1709. If

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1709. If no capital is invested in India, and the fortunes there made are remitted home, does not it necessarily follow that that operation is a drain upon the resources of that country?—The way in which property left in India is invested, is either in what is denominated Company's paper, (Government bonds,) or in houses and other objects; when ultimately remitted it must be supplied from the resources of that country.

1710. Since we have derived a large revenue from the territory of India, amounting now to 20,000,000 *l.* annually, can you point to any great improvements in the way of public works, such as works for irrigation, roads, bridges, or any great public works in the country, by which any marks appear of the benefits derived from our empire there?—Not from public works; that has generally been left to the industry and skill of the native landholders. There has been one work of that description that has been of very great importance, the renewal of some canals anciently drawn from the Jumna in the north-west quarter of India, which have been carried through a great extent of arid territory, and been productive of very great increase of revenue.

1711. In that single and small sample, is there not evidence of the vast benefits that a paternal government might confer upon that country?—I am not aware in what manner the public resources could be applied in that way. All the lands being private property, it necessarily depends upon the proprietors of those lands to introduce such works and improvements as they find best calculated to promote their own interests.

1712. Does the beneficial tendency of our government appear upon the improved condition of the people in that country?—I think it does.

1713. In what part of India?—Particularly where the permanent settlement has been established.

1714. Do you consider then that their prosperity very essentially depends upon the manner in which the land revenue is fixed?—I think so.

1715. Have you had an opportunity of observing the condition of the people in the independent Jaghires?—No; I never was in any of those.

1716. Have you had occasion to observe the condition of the people in the few states that yet remain independent of our government in India?—No; my employment has been almost always at the presidency, or with the Governor-general wherever he has gone. When I spoke of the improvement of the people, I did not speak from personal observation, but from general knowledge. Under our government they have an advantage which they never could enjoy under their own, of being protected from all external invasion, and the security of life and property, which they never enjoyed under any other system of government, unless perhaps in ancient times, and under some distinguished potentates, who flourished before the dissolution of the Mogul empire; the Emperor Acber, for instance.

1717. Do you conceive that the inhabitants are sensible of those benefits which you have just enumerated; and that it does accordingly attach them to the British Government?—The body of the people I conceive to be fully sensible of the advantages they enjoy; that is not the part of the population of India that are hostile to us. The class of persons that are dissatisfied, are those who have been removed from places of authority and power by our supremacy.

1718. Have

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1718. Have you seen a list of public works executed in India in the several presidencies since the renewal of the East-India Company's Charter in the year 1813, as such list was presented to the Committee sitting last year, marked No. 9, in the Appendix to the Report of the 11th of October 1831?—I have not happened to see it.

[*The same was shown to the Witness.*]

1719. Though you have not previously seen it, yet from your cursory inspection of it now, or from your general knowledge of the subject, are you able to state what has been the aggregate expense of the public works there enumerated?—The course of my service was not calculated to afford me the means of answering that question.

1720. You cannot then state what proportion of the revenue of India has been expended in public works, as contrasted either with the amount received, or as compared with any proportion which it might bear to sums expended upon similar works by the British Government at home?—No, I am not able to answer that question. I see in this list various works, such as roads and bridges, with which, being executed when I was in India, I am acquainted; but I understood the former question to refer to public works upon the lands in the interior of the country for the benefit of agriculture.

1721. To what body is delegated the legislation for India?—Each presidency has by law the power of framing its own Regulations. The subordinate presidencies generally, I believe, submit their Regulations to the Supreme Government for confirmation.

1722. Do you mean that the subordinate presidencies are compelled by law to submit their Regulations for the sanction of the Governor-general?—Not by law, but I believe by an order of the Governor-general in Council. The occasions for the enactment of new Regulations at the several presidencies of course arise out of transactions and events as they occur. In Bengal all the public functionaries in the interior of the country have by a specific enactment the privilege of suggesting any new Laws and Regulations that may appear to them expedient. These suggestions are taken into consideration by the Governor-general in Council, and if approved, a Regulation is framed accordingly. The public functionary himself is sometimes required to draw up and transmit the scheme of the proposed Regulation. Regulations are also sometimes framed under the immediate direction and superintendence of the supreme authority.

1723. Are they when passed of necessity registered in the Supreme Court?—Not those that have relation to the interior of the country.

1724. In what manner are those Laws promulgated when passed; how are they made known to the natives?—They are translated into the native languages. There is a Regulation of the Bengal presidency, the 41st, I think, of the year 1793, which describes the particular mode in which Regulations shall be framed and promulgated. When printed they are transmitted to the several judges of the provincial, zillah, and city courts, and other public functionaries, both in English and in the native languages.

1725. Is there any collection of those Regulations kept?—Yes, regularly.

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1726. Would it not appear at first sight desirable that there should be one general code of laws applicable to the government of India generally?—I do not think that one code of laws could be applicable to all the three presidencies.

1727. In what respect do the different presidencies so essentially differ from each other that the same system of law might not be made applicable to all of them?—There must be differences of local circumstances which require different Laws and Regulations to be applicable to them; there are different tenures of land, for instance, under the several presidencies, and I can conceive a variety of local circumstances which may be applicable to one presidency and not to another. At Madras, for instance, what is called the ryotwar system prevails very generally, which it does not on the side of Bengal or Bombay. Therefore it seems to me that it is absolutely necessary that Regulations should proceed, in the first instance at least, from the subordinate presidencies themselves, that is, a Regulation required for Bombay should be framed at Bombay, and the same at Madras, and the same in Bengal, by the authority which is necessarily acquainted with all the local peculiarities and circumstances of each presidency.

1728. In his legislative as well as his executive capacity, has the Governor a power paramount to that of his Council?—Certainly not.

1729. Have you considered in what manner a body might be constituted in India for the purpose of more satisfactorily executing so very serious a function as is implied in this unlimited power of legislation?—I have not, and am not therefore prepared to give a confident opinion on the subject; but on this first consideration of it, I am disposed to think that such a body might be constituted under the Supreme Government; I should, however, still consider it necessary that the Regulations intended for the subordinate presidencies should be framed there in the first instance, which might be submitted for revision to the Legislative Council established at the seat of the Supreme Government.

1730. Supposing that a member conversant with the local affairs of each of the subordinate presidencies were to form part of the Legislative Council constituted at the seat of government, would not that body, so composed, be qualified to take into consideration any suggestions that the Governor of the subordinate presidencies might make of any new Regulation that he deemed to be requisite?—That would not, in my opinion, supersede the necessity of framing Regulations at the several presidencies themselves. I do not think that the mere delegation of an individual from each presidency would supply the place of that knowledge of local affairs which appears to me to be necessary to frame Regulations adapted to the circumstances of each presidency. I think it would be necessary that the Regulations should originate at the presidencies where they are intended to operate, but they might be subject to revision.

1731. In what manner does it occur to you that it would be possible under the existing state of society in India to compose an adequate Legislative Council, on whom should devolve the responsibility of making laws for our whole Indian empire?—That subject is new to me, and I have not considered it sufficiently as to be able at once to suggest a scheme of that nature.

1732. Do any insuperable objections occur to your mind to the formation of such a council?—I am not prepared to say that I perceive any insuperable objections

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tions to it, but I question the expediency of divesting the Government entirely of its legislative power.

1733. It has been intimated by some witnesses before the Committee that it might be found practicable to introduce to that Council the assistance of a certain portion of native talent and knowledge; what occurs to you upon that suggestion?—I think it is going too great a length at first. The native agency must be introduced very gradually. The placing of natives at once in so elevated a situation would, I think, be proceeding much too rapidly in the plan of employing the natives more extensively than they are at present employed in the civil administration of the country; I doubt, indeed, whether it would be possible to find any native qualified to be a party in framing laws and regulations. They might, no doubt, afford on some occasions, the aid of information; but that would be attainable without their being associated as assessors in a council of that nature. I am disposed to think that the Sudder Dewannee Nizamut Adawlut, with some legal assistance, might be made an efficient instrument for framing Regulations.

1734. Would not their introduction into that Council, in your opinion, give confidence to the natives generally?—I do not think it would add in any degree to the confidence already reposed by them in the Government. In my judgment it would be extremely objectionable to introduce a native into that situation at all, and I do not imagine that he could be of any material service.

1735. Can you state any specific danger that you would apprehend from such an experiment?—I should not say that there was any danger in it, but I do not see the advantage of it. I think it would be placing the natives too high in point of rank and situation relatively to British functionaries and British subjects, nor do I conceive that natives could be found qualified for the task of legislation; it is not at all consistent with their habits.

1736. You referred, in one of your answers, to the vast mass of public business that was transacted in the departments in India, and which is certainly not less in the departments at home; has any mode ever occurred to you by which that increasing mass could be diminished?—It is a subject upon which I have often reflected; indeed I have been naturally driven to reflect upon it by having, while a member of Council, experienced the overwhelming and overburthening mass of business that came before us. The Government is overloaded with details The principle of the remedy is obvious: a division of labour and responsibility; but the means of effecting it are not so apparent. Even so long ago as when I left India, the machinery of government was manifestly inadequate to the work it had to perform; and of course it must be still more so now. I speak particularly of the Supreme Government. The question then is, how the Government can be relieved from a portion at least of the details of business which come before it. There is nothing so great and nothing so small that, under the present system, does not require the intervention of the supreme authority. The idea that I have entertained is, that the subordinate functionaries should be invested with a greater degree of authority, so as to render it unnecessary for them to submit the whole of their proceedings to the decision of the Government, which now is the case; but I am not prepared to suggest any specific plan for the accomplishment of that important object.

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1737. With regard to the transmission to the authorities in this country of the very voluminous matters of small detail that come before them, do you consider that it might be practicable to draw any line which should supersede the necessity of such very laborious investigation to so very little purpose?—I confess I do not see the practicability of drawing any such line. So long as it is deemed necessary to exercise a control and superintendence over the proceedings of the governments abroad, so long apparently must the whole of their proceedings be sent home.

1738. While you were in the government in India, was not an order issued to all the residents, directing them not to send the whole of the correspondence upon every subject, but to send a diary, and to send a list of the letters, and such of them only as were material to the diary?—I recollect (being reminded of the circumstance) that when I held the office of Chief Secretary, instructions were issued to the residents to keep and transmit periodically to the presidency, a diary or precis of their correspondence, and to abstain from transmitting copies of such documents noted in the diary as were not of material importance.

1739. You stated that you were connected with the Secret department when you were in India; does your experience lead you to believe that the Secret department in India is properly constituted for the purposes of despatch and secrecy?—I have no reason to doubt that it is so.

Martis, 17° *die Aprilis*, 1832.

Sir JAMES MACDONALD, Baronet, in the Chair.

NEIL BENJAMIN EDMONSTONE, Esq. called in and further examined.

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*1739. Is there anything you wish to state to the Committee in reference to the evidence you gave yesterday?—I have had an opportunity this morning of looking into the despatch respecting the conduct of the Indigo planters, to which I referred yesterday, and have made two or three extracts from it, with a view to show more clearly the grounds on which I found my statement regarding the conduct and proceedings of the indigo planters and their agents.

1740. What was the date of the despatch from which you made the extracts you allude to?—These extracts are contained in the answer of the Court of Directors to the despatches from Bengal on the subject of the indigo planters, and I have taken them from the answer, not from the original despatches; so that I do not exactly know the dates. The letter to Bengal, answering these despatches, is dated the 10th of this month.

1741. Do you wish to make any observations to the Committee in regard to the answers you gave yesterday on the subject of Europeans occupying land in India?—It has always appeared to me that the admitting Europeans generally to hold lands

lands as proprietors and renters in that country, would be calculated rather to interfere with and obstruct, than to encourage and promote the interests of the native landholders. It will not be practicable to impose an effectual restraint, either on the number or description of the Europeans who, through the opening now afforded, may obtain a footing in the country. They will become the rivals and competitors of the native landholders, and progressively supplant them in the possession of their lands. The essential difference of character, habits, religion, language, attainments, modes of thinking and acting, customs, and prejudices, between the two classes, constitute an insuperable bar to their ever being united by the associations and connections of domestic life, or by any common bond of national interest and feeling. They cannot coalesce and commix. There must be a constant collision between them, as well as between the Europeans themselves and their respective agents and adherents; the effect of all which will be to create disputes and disturbances that must engage the almost exclusive time and attention of the local magistracy and police. This anticipation is strongly countenanced by the information we have received relative to the proceedings of the comparatively few Europeans already established in the interior of the presidency of Bengal as indigo planters, and must consequently be aggravated by the unlimited admission of Europeans as landholders for general agricultural purposes, to which the door now seems to have been opened. The reports referred to show that their conduct has had the effect of creating disturbance and disorder in the country where they have been located; that it has been found impracticable for the magistrates to control their conduct; and I must repeat my opinion, that if such an influx of European landholders as the arrangement involves be introduced into the country, it will be found indispensably necessary to establish a new system of judicature for the control of them.

1742. The Committee understand that you have extracted from the answer to these despatches, such parts as you think tend to bear out the particular view you take of the subject?—Yes; it was with that view that I made those extracts.

1743. Is the answer to the despatches very voluminous?—It is very voluminous. The recorded reports of the conduct of the indigo planters and their agents appeared to me to afford sufficient evidence of the truth of what I have stated.

1744. Does the despatch entirely refer to this question?—It does, exclusively. Finding it difficult to describe concisely the facts represented in the extracts which I hold in my hand, I desire to refer to the detailed narrative contained in them, as bearing me out in the statement that I have given. "As magistrate of Nuddea, (says Mr. Turnbull) I have had some opportunity of witnessing the scenes of contention and strife ensuing from the various and conflicting interests to which that competition gave rise. The disorders which then prevailed in that and the neighbouring indigo districts have, I believe, nothing abated to the present day, and they are certainly such as to call for the serious interposition of Government. From the moment of ploughing the land and sowing the seed, to the season of reaping the crop, the whole district is thrown into a state of ferment; the most daring breaches of the peace are committed in the face of our police officers, and even of the magistrate himself. In utter defiance of all law and authority large bodies of armed men are avowedly entertained for the express purpose of taking or retaining forcible possession of lands or crops; violent affrays, or rather regular pitched

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pitched battles ensue, attended with bloodshed and homicide; our police establishments are corrupted, and the daroghas are said notoriously to be in the pay of the planters, European or native, to secure their good offices."

1745. What is the name of the magistrate?—Mr. Turnbull; he is now a member of the Sudder Dewanny and Nizamut Adawlut; he had been magistrate of Nuddea, which is distant about 100 miles above Calcutta. The magistrate of Dacca says, "I will not here put on record acts which have come to my knowledge of the open daring violence directed to the destruction of rival factories; but will ask, where is the instance in this part of the country of the native zemindar, who, unaided by European partners or influence, has erected indigo factories, and successfully carried on the speculation, without being in the end either entirely ruined or obliged to admit his powerful neighbour to share in his concern, or being himself perhaps cast into gaol for standing up in defence of his own rights." Mr. Ross states, that "armed men are kept by the planters to enforce the ryots' contracts;" and Mr. Sealy, another officer, speaks of "the number of affrays that now annually take place for indigo lands, which are invariably attended with severe wounding, and frequently with loss of life, in consequence of the planters entertaining bodies of fighting men for the express purpose of fighting their battles on these occasions." These are facts, independently of my own observation and reflection, on which my opinion of the inexpediency of admitting Europeans generally as settlers into the interior of the country, is mainly founded. Some of the reports, however, contain very favourable opinions of the personal character of the indigo planters; notwithstanding which, it appears that the above are practices and proceedings of constant occurrence.

1746. These facts, if well founded, were, I presume, known to the government of Bengal; and knowing the existence of these facts, has not that government come to a determination that it is desirable to permit Europeans to hold land upon long leases?—They have so; and it appears to me to be likely to produce an aggravation of the evil. I consider it to be our primary duty and obligation to adopt every measure calculated to elevate the natives, and to promote their interest and prosperity; and I think it is acting in opposition to that principle to introduce into the country a numerous class of persons who, from the nature of their objects and pursuits, will have interests opposed to those of the native landholders, and from their national character, station, influence, and connexions, must necessarily obtain an ascendancy over them, which they are likely to employ for purposes adverse to the prosperity of the native landholders and tenants, and to the tranquillity of the country. It would be absolutely necessary, as already observed, to make such an alteration in the administration of the laws as would be calculated to control this body of Europeans. In fact, where a community of Europeans is established, British institutions must follow; the effect of all which seems to me to be the prosecution of a system for promoting the interests and advantages of British subjects at the expense of those of the natives. Our forbearance hitherto in abstaining from all interference with the rights and possessions of our native subjects, securing to them the full exercise of their religion and their laws, and assisting and encouraging them in the prosecution of the arts of industry, has been, I conceive, a principal means of attaching them to our government: the measure of admitting Europeans,

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Europeans, without limitation, to hold lands in the manner now proposed, or as I should rather say, already determined, seems to me to be a total departure from that line of policy.

1747. To what proportion of the places in which indigo plantations are established do the extracts you have quoted refer?—The districts of Nuddea and Dacca Jellalpore; but the practices and scenes described in those extracts appear to be general.

1748. You have stated that it has been found impossible for the local magistrates to control the conduct of the European planters, and further that it would be necessary to that end to establish a new system of judicature; has any recommendation to that effect proceeded from the Bengal government?—Not to my knowledge.

1749. Has the Court of Directors found it to be its duty, in justice to the natives so suffering, to send out any orders to such effect?—Certainly not. By the establishment of a new system of judicature I mean the introduction of British law with all its machinery into the interior of the country, which I should regard as an evil of great magnitude, and which indeed could only be effected by a parliamentary enactment.

1750. Has the Court of Directors found it to be its duty to disapprove of the introduction of granting leases of land to Europeans, as sanctioned by their government in Bengal?—They strongly censured the Bengal government for adopting a measure of such paramount importance without previous reference, as well as for allowing Europeans to hold leases without any security against the abuse of the privilege; the majority of the Court, however, concurred in sanctioning the grant of leases, subject to certain conditions and restrictions, and with a limitation as to the duration of the leases. The local government of Bengal actually adopted the resolution of permitting Europeans to hold lands on leases of 60 years; the Court of Directors have limited the term to 21. I, as a member of the Court of Directors, entirely disapproved of that measure, and did not concur in it, and I stated my reasons.

1751. In what possible manner does the limitation of the term of occupation to 21 years instead of 60, tend to mitigate the evils which you have represented as arising out of the occupation by Europeans?---I do not think that it is calculated to remove them; a door has been opened, which it will now be difficult to close.

1752. Then the Committee understand that on this point both the local government of Bengal, the Court of Directors at home, and the Board of Commissioners at home, have dissented from the opinions introduced by yourself?—My opinions were submitted to the Court when the question came under discussion in the form of a proposed despatch to Bengal. The sanction given to the measure under certain limitations may perhaps have been given under a conviction that, as it had already been adopted in Bengal, it was not possible to withdraw from it without public inconvenience; some of my colleagues did not concur in the measure, even as proposed to be modified, any more than myself, and a dissent was entered upon the proceedings of the Court, to which reference can be had if necessary.

1753. These opinions have not been acted on by either of the three governing bodies?—The establishment of Europeans as landholders in that country is a measure entirely novel, and has only been brought under the consideration of the authorities

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authorities at home, and has received their sanction under the qualification and restrictions I have mentioned, within these three years.

1754. The system in India, up to the present time, having been founded upon the exclusion of Europeans from holding lands in India?—Yes, except to the extent of 50 bheegas (about 17 acres).

1755. And the present being an experiment for the first time formally introduced? The measure appears to have been introduced not experimentally but absolutely, and I consider it to be a measure pregnant with evil.

1756. This limitation of the period of granting leases to 21 years, will of course place it in the power of the Court of Directors to alter this system at an earlier period than they would be able to do at the end of 60 years, if it was found inexpedient to continue it?—I think that having been once admitted, it will be found very difficult to alter the system; I do not think it practicable to recede, without producing great complaints on the part of those who may have embarked in large concerns under the encouragement of the local government.

1757. You have stated that the occupation of land by Europeans must be followed by the establishment of British institutions; will you state to the Committee why Europeans so voluntarily settling themselves should not be rendered amenable to the provincial judicature of the country?—I do not think that the local judicature is calculated to control their conduct, and experience seems to me to have shown that it is not.

1758. Will you state what you mean by the expression British institutions?—I mean principally the British laws; the British system of judicature, with all its appendages.

1759. You would consider that, on a trial by jury, part of the jurymen should be Europeans?—Yes, I mean the trial by jury; the introduction of British law and the English language.

1760. When you state that the occupation of land by Europeans is injurious to the natives, do you mean that where it has been hitherto tried it has had the effect of displacing the native cultivators?—Not the mere cultivators; I think that the European will necessarily enter into competition and collision with the natives, landholders and manufacturers, and therefore to that extent will eventually displace them.

1761. The question refers to the mere cultivator, to the ryot?—He will not displace the ryot; but it has been found, in the case of the indigo planters, that the ryots have sometimes been very much oppressed by them; that they have been compelled against their inclination to cultivate the indigo plant and to receive advances; instances of this species of oppression are stated in the despatches I have referred to.

1762. Have you read the evidence taken before the House of Lords in 1830 on this inquiry?—I have not.

1763. Has not the occupation of land by Europeans rather acted as a stimulus to industry, and increased the demand for native labour?—I should think to a certain extent it must have done so, but the natives have not hitherto been at a loss to obtain employment from the land. The indigo manufacturers have no doubt paid higher rents, and so far have encouraged native industry.

1764. You

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1764. You say that it has been the duty of the Government rather to assist the natives in prosecuting the arts of industry?—I think that has been the object and general tendency of our administration, our Regulations, and our conduct with regard to them.

1765. Will you inform the Committee how and where the Government have assisted the natives in prosecuting the arts of industry?—By the security that is afforded to life and property, by the moderation of the assessments, and their permanent limitation where these have taken place, and by the protection that the natives enjoy under the British Government from external invasion and internal insurrection, and by removing all obstacles to the free application of labour and the free enjoyment of its produce.

1766. What grounds have you for supposing that the life and property of the natives has been better secured under the British Government than under their own native government?—By the establishment of independent tribunals of justice, which under their own government had no existence.

1767. Does not every Mahomedan history with which you are acquainted, or even a native history written in English at Bengal within the last 60 years, familiarize you completely with instances of perpetual oppression on the part of their rulers, before the British acquired any territorial dominion in India?—I have no doubt that is a just description of the general character of the native administration for some time anterior to our possession of the country.

1768. Do you consider the introduction of skill and capital into a country, or the assumption of the whole civil and military power of a country, together with the whole of its territorial revenues, to the exclusion of the natives in a participation in the administration of the government, as the greater evil?—So far from the introduction of skill and capital into the country being an evil, I consider it to be a great benefit, and I think under proper limitations British skill and capital may be very successfully employed, and to a certain degree has been so; what I object to is the influx of Europeans in such numbers and in such a manner as must have the injurious effects I have described.

1769. Are you aware what is the total number of Europeans actually employed in India in the indigo cultivation?—I cannot venture to speak to that.

1770. Are you aware what is the revenue derived from the number of Europeans employed in the indigo factories?—I am not.

1771. Are you aware what is the amount of revenue derived from that source?—I am not. I could have no knowledge of these subjects since my return from India, but what I might have derived from the records in the India House, and I do not recollect having seen any statements of the kind.

1772. Are you acquainted with the district of Tirhoot?—I never resided there.

1773. You cannot therefore say whether in that district there is any appearance of increased wealth and comfort among the cultivators?—Not from my own knowledge and personal observation: but I have reason to know the fact, as I well remember that the zemindar of Tirhoot was remarkable for the excellent management of his lands; but the great improvement in this and other districts I am disposed to attribute mainly to the limitation of the public demand upon the land.

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1774. Did not these perpetual disputes arise from the circumstance of the uncertainty of the boundaries, in the cases of the indigo plantations: you talked of there being conflicts and shedding of blood, did they not generally arise, not from the circumstance of the cultivation of indigo, but the uncertainty of the boundaries?—I think it is stated, in the reports accompanying the despatches on the subject, that they are occasioned principally by the ryots receiving advances from different persons for the same crop, when each of the parties making the advances endeavouring to enforce the fulfilment of his contract by means of an armed force, conflicts and affrays ensue. I am speaking from a perusal of the papers.

1775. Does not that arise more from the peculiarity of local circumstances than from any defect in the conduct of the cultivator of indigo?—It seems to arise from the avidity of the ryots to receive money, and from the proceedings of the servants of the manufacturer.

1776. Are not they generally Europeans who make the advances that you are speaking of?—Yes, through their native agents.

1777. If the persons who made the advances were natives, do you think the same result would follow?—Native manufacturers would be much more easily controlled by the local judicature.

1778. In such instances as have occurred from the misconduct of the indigo planters, are you aware whether it has arisen from the employment of improper persons in the agency of the factories?—The course of my service has not admitted of my being intimately acquainted with the details of all these proceedings. What I have been stating is derived chiefly from a perusal of the despatches lately received on that subject; but my opinion with regard to the prejudicial effects of the admission of Europeans generally as landholders into the country, is not derived from these communications, although I think it is very much supported by them. That opinion arises from a general knowledge of local affairs in India; from my acquaintance with the habits, character, and peculiarities of the natives; and from observation and reflection; but I do not pretend to be personally acquainted with the management of an indigo factory. I have never been in a situation to acquire a personal knowledge of them.

1779. Has not the present system of exclusion of Europeans very much narrowed the means of selection which they can have of European agents at these factories?—I have not seen any observations nor heard any complaints on this subject, nor have I sufficient knowledge of the system to form a judgment on this point

1780. In Nuddea are all the indigo planters Europeans, or are there any Mussulmans?—I know there are natives who possess indigo factories and carry on the manufacture.

1781. If two native planters had made advances to the ryot, would not they each have asserted their right to the crop, the same as two Europeans would have done?—Certainly; but as I said before, I conceive that the local tribunals are fully capable of controlling the natives, but that they are not efficient in controlling the conduct of Europeans.

1782. Why could not they be made efficient to that object?—The high tone of the European character itself, the influence and connections that a British subject

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of any rank in society necessarily acquires in the country, his being generally on terms of friendship with the local functionaries, a feeling of superiority over the natives, and the inferior degree of respect which an European is apt to entertain for the local tribunals as compared with those of his own nation, are all adverse to it. It is stated in the reports before referred to, that the natives are often actually afraid of bringing their complaints against Europeans before the magistrate. But under certain limitations and restrictions, and for special purposes, far from being adverse to the establishment of British subjects in the interior of the country, I think that Europeans of capital and character may very beneficially be allowed to settle; not however as proprietors of estates or renters of land for general agricultural purposes, like the native zemindars, as seems now to have been permitted, which I cannot consider as at all advisable, but on the contrary as pregnant with evil; but for the introduction of new objects of culture, of improvements depending upon British skill, energy, and enterprise.

1783. Reverting to the topic of the government establishments in India, will you state to us what advantage to the public service appears to you to result from conducting so much of the public business of the country through the medium of boards?—The object of the establishment of boards of course was to relieve the Government from the burthen of details, and provided the members of the board are efficient and well qualified for their duties, that object is advantageously accomplished. The superintendence, for instance, over the collectors of revenue, seems to me very expediently lodged in the Board of Revenue. It would be impossible for the Government to keep up a correspondence with all the individual collectors; there must be some intermediate functionaries to conduct the details.

1784. What other boards exist in Calcutta besides the Board of Revenue?—The Military Board, the Marine Board, the Board of Salt and Opium, and the Board of Trade.

1785. Does it come within your knowledge whether the individual members of the several boards do take an active part in the conducting of public business?—While I was there I had reason to believe that they did so; but the president usually takes the lead in the business, as is the case, I believe, in all boards.

1786. The president and the secretary, I presume, are the official members?—The president is the officiating member, assisted of course by the secretary.

1787. What advantage or disadvantage would, in your opinion, result from concentrating several of these departments in one head, rather than in having their responsibility distributed among many members?—Practically, no doubt, there would be great advantage, provided the person so appointed be fully qualified and capable in every respect of discharging the duties of the situation; but I conceive that it would be so extremely difficult to secure the services of persons so eminently qualified, that it would be always necessary to have the assistance of other members, and that not only for the benefit of counsel and advice, but also for the advantage of a division of labour, one member taking one branch of business, and another member another, as I believe is usually practised, and to provide likewise for cases of sickness or necessary absence. A further benefit attaches to the constitution of a board, namely, that it admits of one of the members proceeding (as used actually to be the case occasionally), vested with the powers of the board, to visit the several

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collectorships, whilst the remainder continued at the presidency to carry on the ordinary duties of the department.

1788. That observation applies solely to the Revenue Board?—I was speaking of the Revenue Board; the Military Board is constituted upon a very different principle.

1789. Upon what ground is the Board of Salt and Opium detached from the Board of Revenue?—I believe because the business was found too burthensome in addition to their other duties, and also because salt and opium are branches of revenue so very important as to have been thought to require a special and exclusive superintendence. I believe these are the grounds on which they were separated.

1790. In a government circumstanced as the Indian government is, does it not appear to you peculiarly desirable that the executive powers of the government in that country should be concentrated as much as possible in the hands of one individual?—As a general rule or principle, I think so certainly. I consider the constitution of our Indian governments to be well adapted to the character, habits, and feelings of the natives of India; the concentration of authority in the hands of one individual (which I conceive is essentially the actual constitution of the Indian government, and is regarded by the natives to be literally such) harmonizes with the form of government to which from the earliest period of recorded history they have been accustomed, and is calculated also to secure that vigour, promptitude, and decision which the annals of British India have shown to be so necessary and so efficacious in the ever recurring emergencies of our situation in that country. The existing constitution of our Indian government is also that which seems more than any other susceptible of being guided and controlled by the authorities at home; an object certainly of the highest importance when we consider the vast distance of our Indian possessions from the mother country, and the great extent of power necessarily vested in the hands of the local administration.

1791. What other checks appear to you desirable upon the authority of the person exercising the supreme power in India, than those which are to be found in a well-defined system of laws, and in the controlling power of the authorities at home?—I have always been accustomed to consider that the power vested in the hands of the members of council constitutes a proper check to a certain extent upon the Governor-general. I think it is salutary that he should be subject to that degree of restraint under which he acts in consequence of the share possessed by the members of council in the government of the country, and such I always understood was the intention of the Legislature when the existing form of government was established, the Governor-general being left at the same time to act on his own responsibility in cases of emergency or great political importance; so that he has the benefit of efficient counsel and advice, whilst to a certain extent a check is imposed upon his conduct, without his being withheld from acting independently of his council on occasions essentially affecting the public interests and safety.

1792. Is it not in the nature of such a constitution as the executive government to daily impede the course of public business?—By no means, in my opinion, to an extent that in any degree counterbalances the advantages derived from such a constitution.

1793. We

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1793. We will suppose the individuals now composing the councils of the Governor-general appointed rather to discharge legislative than executive duties, and to act, if necessary, upon certain occasions in the nature of a privy council to the Governor-general: would it be your opinion that under such a state of things the legislative powers would be better provided for, and the executive government worked more expeditiously and more advantageously to the public interest?—It appears to me that in a government so constituted as that of British India, it is not expedient entirely to separate the legislative from the executive branches of the administration. I do not think they can be entirely separated without impairing the efficiency of the government.

1794. By legislative power, I mean the power of framing laws for the local government in India?—A separate council might no doubt be formed for that purpose, but I am of opinion that any laws so enacted should still be subject to the confirmation of the Government itself; but for the mere practical purpose of framing Regulations, I think a separate body might be expediently formed.

1795. Would you explain to the Committee what you mean by the confirmation of Government?—I mean the confirmation of the Governor-general in Council

1796. Do you mean that in the event of the formation of a legislative council, the Governor-general in Council should have a veto in the laws there proposed and enacted?—I think it is expedient that he should; the subject, however, is so new to me that I ought not perhaps to deliver an opinion so precipitately. I would rather desire to deliberate more maturely on the subject.

1797. In what year were you elected a Director?—In October 1820.

1798. How soon after did you become a member of the Committee of Correspondence?—It was only in April of last year that I became a member of the Committee of Correspondence.

1799. During these 11 years after your return from filling the important station you held in India, on what committees of the India House were you appointed?—According to the established practice, I became a member of the Committee of Shipping in the first instance, and then by gradual rise I became a member of the Committee of Buying and Warehouses, and afterwards, as already stated, a member of the Committee of Correspondence. The rise in the scale of the Direction depends of course on vacancies and casualties. Under one of the bye-laws, no person coming from India can be elected a Director until two years after his return; I did not therefore become a member of the Direction immediately after my arrival in England, as the question implies; I was elected two years and a quarter after.

1800. Are you aware upon what principle the regulation in the Court is founded, of succession by seniority to the Committee of Correspondence?—I conceive on this principle, that by that means every Director has an opportunity of becoming practically acquainted with every branch of the Company's affairs much more efficiently than he otherwise possibly could.

1801. What opportunities do the Committees, for example, of Shipping and Warehouses afford a Director of becoming acquainted with more important matters of the government of India?—As a member of the Court, when the Court meets he has an opportunity of discussing any subject that is brought before them: for instance,

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instance, when drafts or reports come from the Committee of Correspondence or other committees, on political or any other subjects, they are laid before the Court for the consideration of the members; and each member, whatever be his station, has then the opportunity of perusing them, and all the documents connected with them, and making himself fully acquainted with the subject; so that by these means he is qualified to discuss the subject when it is brought forward for decision.

1802. Practically that is the case, is it?—Yes, it is so. It is at the option, of course, of each of the Directors to take such share in the discussion of any subject as he may think proper. Some take more and some less. Some are in the habit of reading the collections of papers which usually accompany the drafts of despatches or other documents laid before the Court for approval, and thereby making themselves fully acquainted with the details of the subject; they are not therefore precluded from obtaining that knowledge to which the question refers, by the system that is established.

1803. Might it not happen that individuals who have filled high stations with great reputation in India, return to this country at a period of life that makes it highly undesirable that they should serve an apprenticeship of 10 years in a shipping or warehousing committee before they are admitted into the important part of the administration of the Court of Directors?—No doubt an individual returning from India under the circumstances described could be of more immediate use if introduced into the committee in which subjects connected with his own course of service are primarily discussed; at the same time I am inclined to think that upon the whole the present system works well, for the reason I have given, namely, that by means of it a Director becomes practically acquainted with every branch of affairs, whilst he is not precluded from affording the benefit of his more recent knowledge and experience by his being attached to a subordinate committee.

1804. By the constitution of the Court of Directors, as it exists at present, is the junior member of such Court eligible to the chair of the Court as much as the senior member?—Yes, he is eligible, certainly; but it is very unlikely to happen that the junior member should be appointed to the chair of the Court.

1805. It is, however, a matter within the competence of the great body of the Court to select the individual to fill their chair who, whether he may have been a member one, ten or twenty years, may in their judgment be best entitled to the chair?—Certainly it is.

1806. The Committee understand that the functions of the government of India, so far as the Court of Directors are concerned, may be considered as bound up with the Court generally, but that among themselves the Court for their own convenience divide these functions into different committees corresponding to the different departments of the state of India; is that a right view?—That is the correct view.

1807. It is understood by the Committee that the chairman and deputy-chairman of the Court of Directors are, *ex officio*, members of all committees, and from their station have the direct control, or at least a leading influence in every department of Indian administration, as far as the Court of Directors is concerned; is that so?—They have. As the organs of the Court, and as the organs of each committee

mittee when they think proper to preside at those committees, they necessarily take the lead; but the Committee of Correspondence is the committee in which the chairs usually and ordinarily preside; they attend other committees only when questions of peculiar importance are to be discussed.

1808. Considering then that the two chairs, whom in your last answer you described as organs of the Court, must be members of other committees officially, and cannot while in the chair attend regularly to such committees; do you or do you not consider that in such circumstances an advantage is derived from these individuals having passed up through all the successive committees, previously to their taking the chair in the Committee of Correspondence, being at the same time in the chair of the Court?—Most certainly so.

1809. There being at the same time no bye-law or other legal impediment on the part of the Court, to the selection of any individual to the chair, if he should be pre-eminently qualified in their judgment to fill it?—There is no such impediment.

1810. And the Committee understand that the despatches are open to every member of the Court, whether he be a member of the Committee of Correspondence or not; and that practically many members of other committees do read all the despatches submitted to the Court?—Every member of the Court has access to despatches and documents of all kinds that are not secret.

1811. How many classes of committees are there?—There are three general committees, with subdivisions.

1812. What public advantage results from there being so large a number of Directors as 24?—That it facilitates the transaction of business, by their being divisible into committees, and also it seems to me to afford a latitude for the introduction of various qualifications that are useful and necessary.

1813. Do you think in your opinion that the substantial business of the India House could not be conducted with a diminished number of Directors?—I will not go so far as to say that I am not aware that the existing number of Directors is calculated to clog and impede the progress of business; it does not appear to me to do so in practice.

1814. Supposing the East-India Company was to divest itself altogether of its mercantile character, I presume that there would be an end of committees of shipping, warehousing, and so forth: under such circumstances, by what number of Directors could the public business of India be in your judgment satisfactorily conducted?—There is no doubt if that was the case that a considerable reduction in the number of Directors as well as in the establishment might be effected.

1815. In the event of its appearing to the Legislature desirable that the supply of young men destined to fill the civil offices in India should be provided from some other source or by some other mode than at present, what injury in your opinion would result from the remuneration of a Director being in the shape of salary instead of that of patronage: for instance, whether it would lead to a different description of men being appointed?—I do not think that any injury would result from the change. On the contrary, I am rather disposed to think it might be an improvement, as it would constitute a stronger obligation on the individuals appointed to attend to their duties; and if the existing system of election were continued

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tinued, I do not think it would lead to a different description of men being appointed, unless the salary were so considerable as greatly to extend the field of competition.

1816. Do you consider it might probably happen that a limited number of Directors so appointed would feel it more imperatively their duty to take their full share in the transaction of the duties of the Court?—It appears to me it would impose practically as well as morally an additional degree of responsibility upon them.

1817. I would ask you generally, whether upon any of the points to which you have been examined by the Committee, or on any others which they have omitted, any suggestions occur to you that you consider it important to the object of our inquiry to state to the Committee?—I am not prepared at this moment to suggest anything in addition to what I have already stated; but should anything further occur to me I will submit it to the Committee in writing.

Sabbati, 23° die Junii, 1832.

JAMES A. STEWART MACKENZIE, Esq. in the Chair.

Mons. L'Abbé JEAN ANTOINE DUBOIS, called in and Examined.

23 June 1832.

Mons. L'Abbé J. A. Dubois.

1818. WERE you long in India?—I arrived in India in 1792, and left in 1823; I was about 31 years in India.

1819. In what capacity were you there?—As a Catholic Missionary from Paris, (*des Missions Etrangères*), but belonging to the Propaganda Society.

1820. What part of India were you in particularly?—Tanjore, Carnatic, and Mysore.

1821. What is the present number and state of the Catholics throughout India?—In answer to that question, I will briefly state, that owing to several reasons which have been fully unfolded in my former works, chiefly in that entitled "Letters on the State of Christianity in India, &c." which is before the public, the Christian religion has visibly been on the decline during these past 80 years. When I arrived in that country in 1792, in the capacity of a missionary, I was credibly assured by the old missionaries I found there, that before that time the number of native Catholics in the peninsula, to the south of the Krichna, was far above 1,000,000: the actual number cannot be determined with a positive precision, but it may be done by approximation. During my abode of more than 30 years in India, I endeavoured to ascertain, as far as possible, what was the present number of persons of this description, and I believe that there is no exaggeration in carrying their aggregate number to about 600,000: about 160,000 will be found in the island of Ceylon, and between 400,000 and 500,000 in the several provinces of the south of the peninsula; however, the greatest number amongst the latter live on the Malabar coast, from Goa to Cape Comorin, including Travancore; and from the information I received from several respectable quarters, I believe that the number of

of Catholic Christians in that tract of country amount to above 300,000, the remainder are disseminated over the provinces of Madura, Carnatic, Mysore, and Deccan.

That numerous body of Christians have for their chief religious guides eight bishops, viz. four titular bishops who are appointed by the court of Portugal, and four bishops *in partibus infidelium*, with the title of apostolical vicars, directly appointed by the Holy See, without the interference of any temporal power.

The titular bishops appointed by the court of Portugal are the Archbishop of Goa, the primate, and the bishops of St. Thomé near Madras, Cochin and Cranganore on the Malabar coast; the two latter bishoprics have been vacant during these past 40 years, they having no revenues for their support, and the Portuguese government not being disposed, it appears, to pay bishops living in countries submitted to a foreign power.

The four apostolical vicars appointed by the Holy See are stationed at Pondicherry, Verapoly near Cochin, Bombay and Agra; the former is a Frenchman, the three latter are Italians.

In general the Catholic bishops appointed by the Holy See in Asia, and even in Protestant countries where the spiritual authority of the Pope is disregarded, as in England, &c., bear the title of apostolical vicars, being ordained bishops, and having the true episcopal character; they are what is called bishops *in partibus infidelium*, the titles of their bishoprics being derived from ancient bishoprics in Asia Minor or in North Africa, before the overthrow of the Christian religion in those countries by the Mahometan invasion. Thus the titles of bishops *in partibus* are merely nominal, their real episcopal sees being either reduced to ruins or entirely occupied by infidels. The principal difference between titular bishops and bishops *in partibus*, or apostolical vicars, is that the former, after having once received from the Pope the canonical institution, can no more lose their spiritual jurisdiction or be removed from their sees without their consent, unless they should fall into heresy, while the apostolical vicars depend at all times on the Pope, who can at his will revoke or suspend their spiritual powers, and order them to cease their religious functions.

Each bishop is assisted by a number of priests proportionate to the extent of his jurisdiction; most of those priests are natives of India, educated by European ecclesiastics in seminaries established for the purpose, and ordained by the bishops.

1822. What system would you advise the British Government to adopt for the purpose of improving their moral and political state?—I will confess that this question is more intricate and much more embarrassing than the first. It cannot be denied that, generally speaking, the Christians in India are held in a state of contempt by the bulk of the population; but they are no more, and even less so, than the Mahometan and other natives who have embraced a foreign religion, as the Christian religion obliges the natives who have adopted it to renounce most of the usages and practices which the Hindoos consider as imprescriptible, and as forming the indissoluble ties which unite them together: those among them who have embraced it are considered as forming no longer a part of the social body. In consequence of this prejudice, in most countries, among others on the Malabar coast and at the island of Ceylon, the Christians have, like the Mahometans,

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formed a separate social body, living without molestation according to the rules of their religion, and peaceably carrying on the several trades and professions common to all other Hindoos, without the difference of religion affecting their temporal interests or their social intercourse with the generality of the Hindoos. They are not admitted, it is true, to the familiarity of the latter in general, but in general intercourse of society a full scope is given to their industry, and there is no kind of trade or profession in which a due proportion of Christians are not engaged. Many among them are chiefs of villages, and live respected. When punchayets are convened to settle disputes and other matters not belonging to religion or regulations of castes, the Christians are summoned as well as other Hindoos to attend them; and although despised and kept at a distance in the familiar intercourse with the other Hindoos, to the best of my knowledge never any political incapacity has been imposed upon them anywhere in India on the score of their religion: and under the Hindoo and Mahometan princes the doors to civil and military offices were always opened to persons of merit among them, without regard to their religion. I am fully aware that there exists a strong prejudice against them among a great many Europeans, who are disposed to consider them as the very worst of the Hindoos, and as surpassing the latter in dishonesty; but from a long personal and attentive observation, I am thoroughly convinced that so far from this being the case, if an impartial inquiry was made on the subject in morality, probity and honesty, the Christians would get the better over the other castes, and the balance would be greatly in their favour. I do not mean that a great proportion of rogues is not to be found amidst them, but it is proportionally less than among the other classes of Hindoos. Many among them have been admitted to places of trust under the British Government, and I know positively that they have most of them discharged their duties with fidelity, and to the entire satisfaction of their employers.

That owing to several causes more fully explained in my former works, chiefly in that above quoted, the Christian religion has not yet produced its full effects on the minds of the Hindoos who have embraced it, I am not disposed to controvert; but that it has produced no effect at all, and has left the Hindoo converts in the same state in which they were, or perhaps worse than before, is an untenable paradox, which will be disowned by every impartial and honest observer. I am aware that my testimony on the subject may be questioned by many persons, and attributed to a partiality or bias to which my profession of missionary among the Hindoos during a period of more than 30 years must necessarily have exposed me. I have not the pretension to be above the weakness common to most men, to be partial towards the persons who interest us in a particular manner; but as a proof that my profession has not entirely blinded me, or rendered me over-partial towards my former dear Hindoo disciples, I appeal to all persons who may have perused my works. Have I disguised or tried to excuse their faults, their vices, or their defects? Have I not been rather too plain, too explicit, and too candid on the subject? All that I can say is, that the fairness and candour of my statements have made me many enemies among the very Hindoos, and several other classes of people.

Meanwhile the religious and moral condition of the native Christians might be materially improved if their religious instruction and moral education were better attended

attended to, and, above all, their religious guides were placed above the state of penury, I may say of beggary, in which they generally live. It is well known that most of them have nothing else for their support but the scanty assistance of their distressed flocks, who are generally reduced themselves to a state of great poverty; and their priests, in order to procure for themselves absolute necessaries, are reduced to the sad and almost unavoidable necessity of making a kind of traffic with sacraments, and to debase themselves in different ways, with the loss of their dignity and independence. In order to obviate so great an evil, I would propose to shelter the clergy from the horrors of indigence, by giving to every bishop a salary of at least 600 rupees a year; to every European missionary having under his charge a congregation of at least 3,000 native Christians and above, a salary of 300 rupees a year, with an additional salary of 50 rupees a year for a catechist; and to every native priest having under his charge a congregation of at least 3,000 natives, a salary of 200 rupees a year, with an addition of 50 rupees for a catechist, with an injunction to require nothing from their flocks for the administration of sacraments, under the penalty of losing their salaries. As the wants of the Catholic missionary are few, I think that those sums, however moderate, would enable him to live independent. In order to improve the education of the Catholics, it would be highly advantageous to maintain a well-qualified schoolmaster, under the superintendence of each missionary having under his care congregations to the amount of at least 3,000 Christians, on a salary of five or six rupees a month.

At the same time, I cannot see of what utility are those four titular bishops appointed in India by the court of Portugal; still less can I guess at the right of Portugal to appoint bishops in the British dominions; as well could the King of the French claim the right of appointing the bishop of Quebec, under pretext that that bishopric was founded by the French when they possessed Canada. Four bishops *in partibus*, or apostolical vicars, whose maintenance is cheaper than that of titular bishops, would be sufficient, in my opinion, to discharge the episcopal duties among the Catholics of India. One should be stationed in the island of Ceylon, another for the Carnatic and Madura, two for the Malabar coast, and a fifth is judged necessary for Bengal and Hindostan. A negotiation to this effect could be opened with the Holy See, whose concurrence is indispensably necessary, and no circumstance is more favourable than the present one for the purpose, all the bishoprics in India, at least three of them, being vacant; and measures might be taken to prevent Portugal from filling the vacancies until new orders.

Another measure I would advise should be, as soon as circumstances allow it, to have in future the four or five apostolical vicars appointed by the Holy See for India exclusively chosen amongst English or Irish born priests, assisted by two or three of their countrymen, beginning with the island of Ceylon, as containing the greatest number of Catholics. I am of opinion that this arrangement would be conducive to the good of the country, and produce the best effects. I know that the native Catholics of India are, in general, anxious and would be proud to have religious guides belonging to the nation which rules over them; and this circumstance would contribute to render the Catholics more respectable. An English or Irish apostolical vicar should at first be appointed for the island of Ceylon, whose religious wants are great indeed. I know from good authority

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that the Holy See is anxious to place a bishop there, but it is necessary for that purpose to have the concurrence of the British Government, and of the Archbishop of Goa, under whose spiritual authority the island is placed, and who would not see with indifference so large a part of his flock withdrawn from his religious power; but all things would be satisfactorily adjusted by negotiations with the Holy See. I think that such an arrangement would be highly conducive to the welfare and prosperity of the island, and I have been proud to find that a gentleman of rank, who has administered justice during many years in the island with so much credit to himself, and so much benefit for the inhabitants, Sir Alexander Johnston, who is so well acquainted with localities, and with the character of the inhabitants, coincides in the same opinion with me.

I owe apologies for the incoherent style and grammatical errors of my statements in a language with which I am but very imperfectly acquainted; but I have judged that my evidence in bad English would be preferred to another in a little better French.

1823. In your answer to the second question, you have referred to the expediency of the British Government giving salaries to European missionaries; has it or has it not been the uniform practice of the British Government to give any sanction to the propagation of Christianity among the people under its control?—It has never been the practice of the Government to interfere at all in the propagation of Christianity; the interests of religion have been left to themselves, and whenever any wrong has been sustained by the missionaries, that wrong has been redressed by the Government, as I myself have experienced: the interference of the Government I consider would be rather hurtful than beneficial to the interest of religion. In recommending any salary for the Roman-catholic missionaries, I have considered that they are without any funds other than those contributed by their own poor flocks, whereas other worships are in part supported by funds raised elsewhere; in some cases by tithes, in others by portions of the harvests in the country, and by considerable lands. I should still consider the interference of Government, except to that limited extent, injurious.

1824. What do you mean by the word tithes?—I mean a certain portion of the crop; a share of a crop for the religious worship was considered a tithe.

1825. When does the portion of the produce of a crop arise as a right to be enjoyed by the Roman-catholic missionary, by the Protestant missionary, by the Syrian priest, or any other class?—This applies, I ought to say, only to the dominant religion of the country, that is to say, the Hindoo. When I have mentioned that the Government give no pecuniary assistance, I must make an observation: in two or three instances I made application, by means of intermediatory magistrates, to the Government, representing the state of the chapels, the expense of catechists, the repairs of the chapels, and several other disbursements, for the candles and so forth. And once when I was in the Baramhal, I obtained an allowance in respect to those expenses, and also in Mysore; and in Mysore I obtained an annual allowance or grant of 300 rupees for the same purpose.

1826. What was the name of the apostolical vicar at Pondicherry, during the latter part of the period of your residence there?—His name was Louis Héber.

Jovis, 12° die Julii, 1832.

JAMES A. STEWART MACKENZIE, Esq. in the Chair.

Reverend JOSEPH H. BATTEN, D. D., Principal of the East-India College, Haileybury, called in and examined.

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1827. How long and in what capacity have you been connected with the East-India College?—Since 1805; I was then appointed one of two professors in the classical department, but was not to be called in till the number of pupils should exceed 40. The college opened in February 1806, and I commenced my duties in August 1806. I remained professor till January 1815, when I was appointed Principal by the Court of Directors, the appointment being confirmed by the India Board, and was required to continue my lectures in the classical department, in addition to the duties, but on the same salary, as Principal. In that capacity I have remained ever since.

1828. What was the design of that institution, and what was the original plan of that education which it was intended to supply?—The design of the East-India College was to supply a want, which had been felt and acknowledged by the government, both in India and at home,—the want of qualifications in the great body of the civil servants, commensurate with the extent and importance of their actual functions. There is a Minute in Council of the Marquis Wellesley, of 1800, quoted by Mr. Malthus, in a pamphlet, entitled, "Statements respecting the East-India College," 1817. Of this Minute the following extracts are found in the first and second sections of that pamphlet, pages 6, 11, 16 and 17.

P. 6. "To dispense justice to millions of people of various languages, manners, usages and religions; to administer a vast and complicated system of revenue, through districts equal in extent to some of the most considerable kingdoms in Europe; to maintain civil order in one of the most populous and litigious regions in the world; these are now the duties of the larger portion of the civil servants of the Company."

P. 11. "The civil servants of the East-India Company, therefore, can no longer be considered as the agents of a commercial concern: they are, in fact, the ministers and officers of a powerful sovereign: they must now be viewed in that capacity, with a reference, not to their nominal, but to their real occupations. Their duties are those of statesmen in every other part of the world; with no other characteristic differences than the obstacles opposed by an unfavourable climate, a foreign language, the peculiar usages and laws of India, and the manners of its inhabitants.

P. 16. "The proportion of the civil servants in Bengal who have made a considerable progress towards the attainment of the qualifications requisite in their several stations appears great, and even astonishing, when viewed with regard to the early disadvantages, embarrassments, and defects of the civil service. But this proportion will appear very different, when compared with the exigencies of the state,

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state, with the magnitude of these provinces, and with the total number of the civil servants which must supply the succession to the great offices of the Government.

"It must be admitted, that the great body of the civil servants in Bengal is not at present sufficiently qualified to discharge the duties of the several arduous stations in the administration of this empire; and that it is particularly deficient in the judicial, fiscal, financial and political branches of the Government.

"The state of the civil services of Madras and Bombay is still more defective than that of Bengal."

There is also a speech of the late Mr. Grant, in a debate at the India House, February 6th, 1817, reported in the Asiatic Journal for April 1817. In this speech he declares that the Court of Directors, in reducing the grand collegiate establishment which the Marquis Wellesley (in pursuance of the views above stated) had founded at Fort William, did not act upon a less enlightened policy, or a feebler conviction of the necessity of an improved education for their civil servants; but thought that they could attain the same end, not only at a much less expense, but in a much better manner, at home. To prove this, he quotes as follows from a despatch drawn up by the Court of Directors in 1802:—

"Whatever European education is deemed proper for our servants, we are decidedly of opinion they should receive in Europe, and that their application in India should be confined chiefly to the study of subjects properly Indian; we have therefore in contemplation to establish such regulations at home as shall afford the means of their acquiring, with classical and mathematical instruction, the elements of those branches of science most useful in our service abroad."

He proceeds to assert, "that even before Lord Wellesley went to India, the want of an appropriate institution in this country for the instruction of young men destined for the service of the Company abroad was felt, and the outlines of a plan of education proper for that purpose (nearly such a plan as was afterwards adopted) suggested."

He likewise quotes a Report of the Committee of Correspondence of the Court of Directors, dated October 1804, to the following effect:—"As the Company's civil servants are to be employed in all the different branches of the administration of extended dominions, it will be readily admitted that, as far as may consist with an early entrance upon the duties of active life (also very necessary in their case), they should receive an education, comprehending not only the usual course of classical learning, but the elements of such other parts of knowledge as may be more peculiarly applicable to the stations they have to fill. Independent of the improvements which they may receive from establishments in India in studies properly Oriental (improvements which cannot commence till some years of youth are already past), there is a most important period of life to be filled up before they leave their native country. In that period their principles of every kind are to be formed and their minds cultivated: it is the only period their destination will allow for the acquisition of European literature and science; and, in a word, on the use which is made of it must depend, in a very material degree, their future character and services. It is not then to be doubted that they should not be left to such chance of acquisition as the routine of public or country schools may, under all the varieties of situation, tutorage, example and other circumstances incident to persons collected

collected from every part of the United Kingdom, afford them. There ought to be one course and standard of appropriate education for them; and to this end, one place of instruction. There they should be trained with care, and required to give proofs of real proficiency; in order to which they should be subjected to the test of strict and impartial examination, a test hardly to be looked for in all the different modes and degrees of their present education. Nor ought it to be the only object of such a system to form good servants for the Company; the system should aim also at making them good subjects and enlightened patriots. They are to leave their native country at an early age, to pass many years of life among a people every way dissimilar to their own; their sphere of action is placed at a remote distance from the parent state; they are to manage interests of the highest value to that state; and our vast acquisitions there, with the continually increasing number of Europeans in those territories, tend to strengthen their attachment to that quarter. It is therefore of importance that the young men, before their departure, should be imbued with reverence and love for the religion, the constitution and laws of their own country; and hence the plan of their studies should comprehend some elementary instruction in those most essential branches of knowledge. These branches will also be best learnt before the young men have launched out into the world, which, without such instruction, they would do unfortified against erroneous and dangerous opinions."

The plan of education by which it was proposed to supply the want thus felt and acknowledged by the authorities both abroad and at home was upon the principle of the above Report. It combined provisions for an enlarged European education, with the rudiments of some of the Oriental languages; the European education embracing, besides the classical and mathematical instruction usually given to the junior part of the universities, the elements of the sciences of political economy and law. In short, it supplied very much that kind of education which Mr. Elphinstone, in his recent evidence before the Lords' Committee, (para. 2419 and 2521) has pointed out as most material for the civil service, (although he doubts the expediency of a particular college on purpose:)

"2419. I think it would be better if in England their attention was directed more to the knowledge which could be acquired only here, than to native languages, that can be better learnt in India; and particularly to political economy and the general principles of jurisprudence (not English law, but general jurisprudence). Perhaps it would be better if instead of being confined to any one college, they were taken from any college where they could get a good education, and subjected to a very strict examination before they were sent out."

"2521. They might perhaps, with advantage, also be instructed in the grammars of the native languages; and those who choose, in Sanscrit and Arabic, which are dead languages in India as well as here. But all other knowledge, peculiar to India, is better acquired on the spot; while much knowledge is attainable in England, which can never afterwards be obtained in India."

I am informed also that Mr. Elphinstone is not the only civilian of high talent and situation, lately returned from India, whose views of the education required for the civil service, though carried to a greater extent, correspond in kind with those of the above plan.

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1829. Could not such an education have been obtained without a special institution?—I feel confident it could not, at the time when the college was founded. Oriental languages were not then taught in any seminary in England with which I am acquainted. The ordinary schools of the country stopped far short of the scientific and political part of the education required, though they could no doubt have supplied admirable classical scholars. In the universities themselves, the regular course of studies before the first degree did not embrace political economy, history and law; studies which there are still recommended to be deferred to a later period. And the detention of students even so long as the first degree, at the university, was thought to be quite incompatible with an entrance on the civil service of India, at an age sufficiently early for that service, according to the opinions then entertained.

1830. What are the principal features of the system by which that plan was to be carried into execution?—The college was placed under the charge of a principal and several professors, having appropriate departments of instruction. The principal, besides the general superintendence of the college, took that of specific religious tuition; and, together with the professors in holy orders, was expected to preach in the college chapel. The other departments were thus distributed: classical and general literature, including English composition, was divided between two professors. The lectures in this department were not designed to teach the elements of Greek and Latin, but to apply the knowledge of these languages brought from school to a manly course of classical reading. They were upon the plan of those given at the universities, particularly at Trinity College, Cambridge; rather *vivâ voce* examinations than lectures from the chair. Another department, that of mathematics and natural philosophy, was also divided between two professors. The instruction here given was in the same manner, on the plan followed at Cambridge, but carried to a much less extent. So far the college pursued the system of education which it found established at the English universities. The next department had more immediate reference to the peculiar destination of the students, and to the early demand upon them for legal and political knowledge, (of which they would have neither time nor means to acquire the principles after leaving England): modern history and political economy being assigned to one professor, (Mr. Malthus); law, including general polity and jurisprudence, to another. These lectures also were practically a species of examinations; the professors reducing their instruction to a catechetical form, and referring to a text-book; from which, and from the comments of the lecturer, the student had to prepare his answers. The Oriental department, under two professors, with native assistants, was designed, at first, to include lectures on Hindu literature and the history of Asia, as well as in the Oriental languages; according to the following statements in the "Preliminary View of the College," 1806:

"After having thus provided for the acquisition of learning in general, it is further intended to furnish them with the means of instruction in the elements of Oriental literature. For this purpose they will not only be taught the rudiments of the Asiatic languages, more especially the Arabic and Persian, but be made acquainted with the history, customs, and manners of the different nations of the East. Among the variety of studies which may be pursued with peculiar advantage in this country,

country, it is not to be expected that any very great portion of their time can be allotted to the acquiring a knowledge of the various languages of the East; but it is presumed that the main object of the institution will be attained, if the students be well grounded in the rudiments of the two languages already specified, and that on their leaving the College such instructions be given them as may enable them to prosecute their Oriental studies during their passage to India."

Such were the essential departments of instruction. There were also French, drawing, and fencing masters connected with the establishment. The students were to be admitted at the age of 15, on nomination by a Director; but not without first passing an examination in the Greek Testament, in two Latin classics, and in the elements of arithmetic. Public examinations in the subjects of the several lectures, after the models of those at the great colleges of the universities, also formed an essential part of the system; but no exact test was then fixed for the qualification of a student leaving college for India.

1831. Did the system undergo any material change prior to the Act of Parliament introduced by Mr. Wynn in 1826?—Several changes, and some of them important: one change immediately after its institution. The Oriental professor, who was to give lectures in Hindu literature and history of Asia, was allowed to substitute the teaching of the Sanscrit and Bengalee languages. This alteration, so far as regarded the former language, brought the system of education at the College nearer to the views which Mr. Elphinstone has taken of the subject in his evidence before the Lords' Committee, as above quoted. But it was attended with the loss of what may be considered equally or more important for the civil service, instruction in the history of India and its inhabitants. It had also the effect of introducing a demand for more than two languages, and thus of increasing the proportion of Oriental studies. It is not necessary to trouble the Committee with minor changes in other departments; the general effect was improvement, especially in the examinations. There is, however, one change proper to be mentioned in the principal's department. Direct theological instruction by lectures was given up, as not producing the effect expected from it, some years before the resignation of the first principal. When I was appointed his successor, I was required to continue my classical lectures; and from that time there has been no provision for divinity lectures, properly so called. The defect has been in some measure supplied through the classical department. A portion of the Greek Testament, with appropriate collateral reading, under the direction of the professor, forms invariably a subject of the lectures given to the junior students. This course, together with the preliminary examination in the four Gospels at admission, secures so far a knowledge of the sacred Scriptures in the original; and my own lectures to the senior students are so conducted as to involve, more or less directly, the study of Christian writers of eminence (such as Paley, Butler, &c. &c.) upon Revelation and its evidences. The pulpit also of the college chapel is filled by the principal and professors themselves.

There has been a complaint of the want of more direct lectures on religious subjects. The present system has the good effect of giving a taste for these subjects in connexion with classical literature; but a regular course of reading upon the evidences and principles of religion, under the superintendence of the principal,

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(restored to his original province), might be introduced with advantage, if enforced by an adequate test at a final examination.

Other changes in the college were that of the age of admission from 15 to 16, the latter itself too early an age for securing previous attainments, or habits suitable to the institution; the requisition, by Act of Parliament, of two years' residence there; the introduction of an improved code of laws by the Court and India Board, in which the power of expulsion was given to the principal and professors forming the College Council, and the Bishop of London was appointed visitor to them and to the students.

Another change was the institution of tests, upon which subject I would beg leave to quote from a "Short Sketch of the Established Course of Studies at the East-India College," drawn up by me in 1826:

"In 1814, when laws for the government of the college were framed by the authorities specified in Act 53 Geo. 3, c. 155, a test was established, by which every student was to have his proficiency ascertained before he could obtain his final certificate. This test is confined to the several Oriental languages required for the presidency to which the student is nominated, and is thus described in the regulations: 1st Writing the character peculiar to each language in a fair and legible hand. 2d. A thorough acquaintance with the terms of grammar, as used by the Persians and Hindus. 3d. A competent knowledge of the rudiments of each language. 4th Reading translating, and parsing an easy passage of each of these languages; and if Sanscrit be one, furnishing an analysis of it.

"The College Council, in 1816, suggested the propriety of adopting an European test also, 'an humble one, just sufficient to show that the student would not be allowed wholly to neglect the European departments, and to confine his exertions barely to a preparation for the Oriental test.' Accordingly, in January 1819, the following Regulation passed: 'No student shall be entitled to the certificate necessary to his appointment, unless, besides passing the Oriental test, he shall obtain the testimony of *good proficiency* in *one* department of European literature, or of *proficiency* in *two* at his last examination previous to *leaving the college*'

"It is evident that the above tests respect only the minimum of qualification absolutely necessary to be secured before a student can obtain his certificate, in order to prevent an absolute waste of time when at college, and an utter incompetency for his duties on leaving it. Their effect, therefore, is limited to those who are influenced by no higher motives than fear and necessity, whilst the actual exertions of the great majority are excited by the other parts of the system, and are in proportion to their hopes, not merely of passing the tests, but of obtaining those rewards and distinctions which are attached to industry and merit in the several departments."

1832. What has been the effect of Mr. Wynn's Act upon the college, and, so far as you are aware, upon the civil service?—The Act of 7 Geo. 4, c. 56, was professedly an expedient for the purpose of supplying a number of writers, more in proportion to the demands of the Indian service than could be furnished by the college according to the provisions of the former Act. It operated in two ways; it substituted an examination without residence at the college for the collegiate course, and it shortened the collegiate course in certain cases. The effects of the out-of-door examination were partly detrimental to the college, and partly otherwise; detrimental,

mental, by the contrast between successive collegiate tests and examinations, both European and Oriental, required at the college, and the minimum of qualification sufficient for the London Board; a contrast most invidiously felt by those detained at the college, and producing discontent and alienation. especially in its senior students; detrimental too to the college, by the contrast between the expense of education there, and that sufficient to procure the limited attainments necessary for passing the Board; whereas, if it were required to obtain elsewhere instruction, at all commensurate with the combination of European and Oriental learning supplied by the college, and due to the demands and provisions of the civil service, parents would certainly find the cost at least equal to the expense of residence at Haileybury, an expense below that of an university, or of an eminent private tutor. On the other hand, the college has felt some advantage in losing the odium of exclusiveness, as well as in having an outlet for students, whose continuance there would be injurious to its discipline, though their offences may not have been marked enough to warrant their final expulsion. In fact, several of the persons who have passed the London Board were withdrawn, or sent from Haileybury. Upon the service I consider the effect to be, with one exception, detrimental; first, by omitting in the "plan of examination" (otherwise in many respects satisfactory) any demand of an elementary knowledge of law and political economy; and secondly, by taking, as a minimum, qualifications which scarcely exceed those required for the first admission to the college, and thus, in fact, admitting little more than ordinary school education as a substitute for an enlarged plan of manly instruction grafted upon such an education. This will appear by reference to the "Plan" and "Test;" of which the latter, as originally settled, is as follows. Subsequently an Oriental Test has been added in two languages, Persian and Hindustani.

(Test.)

"No candidate will be deemed qualified unless he be found to possess a competent knowledge of the Greek Testament, and of some portion of the works of at least two of the above-mentioned Latin authors (Livy, Cicero, Tacitus and Juvenal), the particular works to be selected by the candidates, subject however to the previous approval of the examiner; and also of the principles of grammar, the common rules of arithmetic, vulgar and decimal fractions, the four first books of Euclid, or the elements of algebra, including simple equations: it being understood that superior attainments in either of the departments of literature or science comprised in the foregoing plan of examination shall, at the discretion of the examiners, be considered to compensate for some deficiency in other of those departments. These are the minima of qualification. The candidates so qualified will be classed in the order in which they may reach higher degrees of attainment, and such classification will determine the relative rank in the service of the candidates when appointed writers."

Thus the London Board examination, notwithstanding the learning and integrity of its conductors, has tended to bring down the qualification for a writership. Since March 1829, of 34 persons who have passed through the London Board, no one has been in the first class, and only eight in the second; the rest being entirely of the third class: showing the tendency of a mere test to run rapidly down to its minimum as a standard. The lowness of this minimum has also rendered it almost impossible

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impossible for the college to raise its own ultimate tests during the time, from the invidiousness of the contrast as felt by the parties respectively subjected to each. To the above defect is to be added the substitution of mere testimonials for a probationary course of conduct as at the college, affording a test of character not to us and the public only, but to the students, one with another, materially affecting the value of their friendships and connexions in India. Again, the other result of Mr. Wynn's bill, a quicker transition through the college, has been, in my opinion, decidedly detrimental both to the college and the service. It takes away the best men of the college just at the time when it would be most advantageous to themselves and to the rest that they should stay there, depriving it of the example of senior students, and of adequate competition in the several terms; moreover subjecting the college to be judged of, in India, by the qualifications of persons educated on a forced and mutilated system. To counteract the evil, the professors have done something, perhaps as much as they well could, by imposing such demands upon students leaving prematurely, as it was, in their judgment, proper to exact, consistently with the low ultimate test statuteably required of those going out regularly. This is a very imperfect check; and India appears of late to have been overstocked with civilians not detained long enough in Europe for their sound and permanent qualification, in consequence of the hurried discharges from the college, as well as from the London Board. In stating that I thought the Act 7 Geo. 4, c. 56, detrimental to the service, I mentioned one exception. The exception is that of the prize writerships given by Mr. Wynn, competition being the secret of securing the qualification required. That qualification in the case of the university prizeman was, I understand, eminently displayed in the service. In the case of schools, the persons chosen thence necessarily required further education in those sciences which are more peculiarly taught at the college; for instance, Hatley Frere, chosen from Westminster school as a prize writer, and a very distinguished classical scholar, afterwards proceeded to Haileybury, and there acquired that knowledge, without which he would not have been qualified, as he has since proved himself to be, for the civil service of India.

1833. Has the college had to contend with any peculiar difficulties; and have you any considerations to offer in answer to the objections which have been alleged against it, especially to those which have been lately urged?—It has had to contend with many difficulties: first, the novelty of the institution, with no association of feeling in its favour from parents, &c. &c. &c. having been educated there; a difficulty which would have been felt in any case, but which has been aggravated at the East India college by a disposition to consider it as a tax, a burthen, and a hazard, on the part of those who had been long accustomed to look to patronage, unqualified by any similar test of attainment and conduct. Again, mistaken views and expectations respecting it, even from its patrons themselves, as if it could effect its object, both moral as a place of probation, and intellectual as one of qualification, without many failures, and some sacrifices. Hence surprise at those sacrifices, when required, and interference with the college respecting them; and though they were made by the Court of Directors, very honourably to themselves, in the first instance, and though afterwards, on finding it difficult for them to continue that course, the Court also honourably gave up to the college the power of expulsion, there

there still remained, in other quarters, a disposition to interfere, and to follow up every painful exertion of discipline with outcry, exaggerations, and appeals to the public. Thus a prejudice was produced against the college which naturally affected the students themselves; some of whom, not liking to go to India, and others, seeking to escape the consequences of their own misconduct, saw a hope of effecting their objects by disturbances, which would produce a re-action from without. Such disturbances, however, at least all of a general nature, have ceased for years; the last in 1822 not being in fact general, but disapproved by the great body of students. From that time the power of the college discipline has been comparatively well established. There was, indeed, a reasonable hope on the part of its conductors of its having overcome those and other difficulties, till the Act of 1826 shook and mutilated the whole collegiate system. Another difficulty was the insulation of the college at Haileybury, thus removing its authorities from the support of other collegiate bodies, and its students from the means of correcting their opinions by comparison and salutary variety of intercourse. This difficulty still remains, but it carries with it some good as well as evil; keeping temptation to vice and to brawls in towns more out of sight and immediate reach of the inexperienced and well-disposed, though it shuts up a body of youths by themselves, without a sufficient safety-valve of amusement, and tempts them to resort for it by expeditions to the neighbouring towns. This evil, it appears to me, would be much mitigated by an increased age in the students; a change which, besides other advantages, would go far to remove another very material difficulty, that of adapting the same collegiate discipline, which suits the older students, to persons, many of them schoolboys in age and habits. A further difficulty is the hardship of being judged by one rule and working according to another; and hence objections, arising from the want of a certain and definite standard of judgment respecting the college. These objections proceeded first from those who had very inadequate ideas of the kind of education required; who wished nothing beyond a school, and objected to the university-kind of scholarship, and air and expense of a collegiate institution. These objections, I would hope, are in a great measure gone by; if not, they are sufficiently answered by the considerations which have been already alleged. Secondly, from those who considered it essentially an *Oriental* seminary, and pronounced upon it exclusively according to its power of enabling youths to enter immediately on the public service in India. This is quite unjust; we have seen that the Oriental department was not originally intended to do more than to ground in two languages, and to enable the young civilians to prosecute their studies on the voyage: and latterly, although the Oriental instruction has been extended so as to bear a greater proportion to the European than originally, although it has supplied the service with many most distinguished linguists, and has in its professors and their assistants the means of reaching any extent required, yet its average working must necessarily have respect to its tests. Now these tests are sufficiently large in their demands to affect the attention which would otherwise be given to European studies during the short time of residence, yet they are not sufficient for the purpose of qualifying all who barely pass them for immediate entrance on the Indian service. Of an opposite kind to this objection is that which considers the college as forming an Indian clan. It is not, however, found to

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to have that effect; on the contrary, Mr. Elphinstone (Evidence, 2422) "thinks the young men from Haileybury have generally a prejudice against India and everything connected with it." These opinions may be set against each other. In fact, the college, by giving what may be called a public-school feeling to persons previously educated in private, or at inferior seminaries, operates to render that portion of the students more like English gentlemen educated at our great national schools and universities; while at the same time it corrects the separate partisanships of those schools, and sends out to India not so much Etonians, or Westminsters, as Englishmen; or, I should rather say, perhaps, considering the large proportion of students from Scotland, as Britons. Even, however, if it had some of the tendencies to an Indian caste which have been attributed to it, there would be a compensation in its enabling those who are destined for the Indian service to form friendships,—at once a strength to that service, and a solace to themselves when separated from their native country. On the other hand, if something of an anti-Indian "prejudice," such as Mr. Elphinstone supposes, be really carried with them by the young men from Haileybury, it would probably be found in an equal, or rather greater, degree among Englishmen of that age brought up at any other place of public education in this country: as would, I fear, the extravagance which he also thinks chargeable upon the college. I am not aware of anything peculiar to Haileybury to cause such alienation from India, but of much to produce an opposite feeling. I may observe also that the extravagance of individuals there is no part of the collegiate system, but directly opposed to it; and cannot anywhere be effectually prevented but by the control of parents. Further, as the Oriental education of the college has been judged by a different standard from that to which it looks, so more recently the European education seems to have been judged in the same manner. It has been estimated by the wishes and opinions of those who would have all the civilians sent to India advanced in the sciences of political economy and law, as far as is now the case with the highest proficients in those studies at the college, rather than by what the great body can be expected to do at so early an age, with so many objects of attention, in so short a time, and with tests so inadequate to answer such an end. Not to mention, that the subjects of that education are not selected by competition. but placed there by patronage; and that the workmanship necessarily must have some reference to the materials. It does not seem to have been originally expected that the college should send out none but highly accomplished lawyers and statesmen; but that it should furnish, so far as it could under the actual circumstances, everything wanted for the very highest functionaries, and send out the rest with a fair average of general accomplishment. The degree of proficiency required for passing its European test was not fixed specifically to the departments of law, or of political economy, but allowed to be attained in other branches. And it must be recollected, that much of the European education at the college is of a kind not to show itself directly in the immediate discharge of official duties, but in the general enlargement of knowledge and elevation of intellectual character.

1834. What judgment have you formed, from your own experience and the testimony of others, of the efficiency of the college, notwithstanding those difficulties and objections?—No man is more aware of the imperfections of the East-India College

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College than myself; I have known it intimately almost from its origin; I have been present at most of the scenes which have drawn unfavourable attention to it; and I have long, perhaps too long, filled a most arduous and responsible situation there; but notwithstanding my knowledge of all its difficulties, and the full force of the objections to it, I do believe that it has in a great measure fairly answered what could reasonably have been expected from it in its original foundation, although it has not come up to the ardent wishes of myself and my coadjutors; nor, it seems, to the views, perhaps more speculative than practical, of some of those who have latterly interested themselves for the good government of India. My own experience at the university, before my appointment at Haileybury, in the classical department there, and as principal, with the means of knowing all that has been done in the other departments, has led me to wonder more at the reach and variety of attainments, on the part of those who have given themselves fairly to the studies of the college, than at the imperfect acquirements of others, coming with inadequate prior education, and at too early an age, detained there for too limited a time, and looking to tests which are confessedly below the level, to which, under other circumstances, they might be raised. With regard to testimonies, I consider them, with very few exceptions, as most favourable to the college; I beg to refer on this subject to the fifth section of Mr. Malthus's "Statements respecting the East-India College," 1817, (mentioned above, Question 1828); also a speech of Robert Grant, Esq., (now the Right honourable Robert Grant, M. P.), at the East-India House, on February 20, 1817, as printed in the Asiatic Journal for June 1817, and particularly to pages 587, 588, containing extracts read by him from letters of Messrs. Stirling, Holt Mackenzie, and the father of the latter gentleman. In a letter to Mr. Malthus, speaking of the Hertford college, Mr. H. Mackenzie, (already eminent for talent and acquirement), thus described it: "The seminary to which I shall ever consider myself indebted for a variety and extent of information that I could nowhere else have received in the space of two years;" and the following was from a letter of the celebrated father of the same distinguished civilian: "My son Holt owns with gratitude the kindness and highly useful instruction which he received at Hertford, to which he chiefly ascribes the success of his exertions in India." And further, I would refer to a speech of the same gentleman, delivered in the Court of Proprietors, 27th February 1824, and embodied in a pamphlet called "A View of the System and Merits of the East-India College at Haileybury," by R. Grant, Esq., printed in 1826, from page 23 to 46, containing public as well as private testimonies in favour of the college. After reading such testimonies, and numerous letters which I have been in the habit of receiving from India to the same effect, I have felt, amidst the anxieties of my very arduous office, and notwithstanding my consciousness, both of my own defects, and of the imperfections of the institution over which I preside, this consoling and supporting reflection, that, in conjunction with the very able men who form my colleagues, I have been made, by means of that institution, the humble instrument of doing some little service to the moral and intellectual accomplishment of that most important body of public functionaries, who represent in India the principles and the qualifications of English statesmen.

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1835. What capabilities has the college of admitting such alteration as, in your opinion, would render the education more efficient and satisfactory?—I think that it has great capabilities. The age of admission may be raised, and the preliminary qualification may be proportionally raised, with nothing but benefit to the service. The tests may, and ought to be revised: and it should be distinctly stated what are the subjects which are considered essential to be thoroughly known by every one allowed to depart as a civilian to India. The college, in its teachers (putting myself out of the question), in its system of lectures and examinations, and in the whole of the machinery which it has already in action, has ample means of educating up to any specific point which may be required, so far as is consistent with the condition of the students sent there, not being selected by competition, but appointed from a comparatively small class of persons. In short, let it be distinctly understood what is to be done, when the system has received its due improvements, and let the college be judged accordingly: and I have no doubt that the judgment will prove far more favourable than it can be, while the education is not only limited in respect of tests, but judged without due reference even to those very tests which it possesses. As to discipline, its code might be advantageously revised, so as to admit improvements suggested by the experience of many years, and alteration suited to the more advanced age of the students, and to the altered circumstances of the service. As to expense, it is said that the college, though useful, is not so exclusively necessary as to justify incurring expense for such an institution. But that expense in the heaviest part of it, the building of the college, has already been incurred. The machinery is already provided; and to make it more efficient would require nothing but what can, I fully believe, be attached and adjusted to a system which is already in existence. Let the pupil, if it be necessary, pay more highly, more in proportion to the value and the cost of his instruction, and of the provision to which it leads; and let the strictest economy be pursued in every respect except cramping the tuition. I do not mean that there will not still remain many difficulties, many sources of objection; but not greater, if so great, as, in my opinion, apply to modes of education independent of such an establishment. And if open competition were consistent with the nature and principles of the service, and if a due time were allowed for education at the East-India College, I should not be afraid of its standing against even the universities of England, so far as relates to qualification for the civil service of India.

1836. Have you anything to suggest respecting other modes of qualification for the civil service in India?—With regard to tests, it is my decided opinion that they are insufficient of *themselves*, except under the condition of a perfectly free competition; and that even then they would not be exempt from the difficulty of involving no adequate probation of moral conduct, and of affording to the persons destined to India no opportunity of knowing and valuing each other.

With regard to the Universities many difficulties present themselves, not against their capability of highly qualifying (with some additions to their system) for public life in India, as well as in England, those who will make the best use of those splendid institutions; but as to their being the places especially appointed for the education of Indian civilians. Here I beg leave again to refer to the pamphlet, entitled,

entitled, "A View of the System and Merits of the East-India College," by Mr. R. Grant, who has expressed in the following passage what appears to me to be the true state of the case. After having objected to the plan of substituting the universities for Haileybury, first, the much longer detention, and, secondly, the superior expensiveness which it would involve, he thus proceeds (p. 102 to 104):— "There are, however, greater objections than these. I would say then, thirdly, that an education at the Universities will not, in the majority of instances, afford an equal probability of proper qualification with an education at Haileybury. In so saying, I surely cannot be understood to speak slightingly of those noble seats of learning, for both of which I feel the greatest respect, and for one the sincerest attachment. But at the universities the opportunities of idleness, and even of vice, are stronger and more numerous than at Haileybury; the discipline and superintendence are decidedly less rigid; young men also of family and opulence repair thither with little or no purpose of study; and, on the whole, while an academic residence furnishes powerful incentives to honourable exertion, it also places before the young mind too many seductions of a very potent kind to the mis-employment of time and talents. Even among those who regularly take the degree of Bachelor of Arts, and who perhaps do not constitute much more than half the number admitted, the examples of studious reading are not so usual as among the students, taken together, at Haileybury. At the latter institution a considerable portion read fairly, and fully half may be said to read hard. He must be a bold man who would say that for the Universities. I am possessed of estimates of the number of real and effective readers at both the Universities, but I suppress them, as being both invidious and unfair. I regard them as unfair by reason of the very circumstance I have already mentioned, namely, that many of the young academics are non-readers by profession. Let it however be recollected, that the influence of these triflers extends very widely, and that their example infects numbers who have not the same right to be idle. Again, I do not mean to deny, on the contrary, I have already distinctly admitted, that much good is received at those celebrated seminaries by many who are not hard students. Still less do I forget the numerous instances of intense industry and brilliant acquirements which both of them produce from year to year, or the inestimable services which each has rendered to the cause of liberal learning and useful science. I only remark that, out of the limited number of writers annually appointed by the Company, it is highly important that as large a proportion as possible should be exercised to habits of application, and that the actual proportion under the present system is clearly larger than could be reasonably expected under that which it is proposed to substitute; fourthly, it is clearly necessary to the plan, that the conclusive appointment of the young writer should be made to depend on his acquiring some honour or distinction at the University to which he is sent." Mr. Grant proceeds to show that the mere attainment of a degree without honours would not afford an adequate test; and subjoins some remarks, which have become less applicable in consequence of improvements subsequently made in university examinations. "Recollect, however," he adds, and the remark still applies, "that more than half of those who are examined for the first degree fall short of honours." Such are some of the objections to making the universities the specific places of education for the civil service of India. I do not, however, see any

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any reason why, if Haileybury continue to be that place of qualification for civilians in general, it should be so to the exclusion of the Universities. I should consider a degree in honours at the University, together with certificates of conduct and of attendance and proficiency at courses of lectures upon law, history, and political economy, and whatever Oriental qualifications may be thought necessary, as, to say the least, barring, in the case of any individual, his being required to pass through the college of Haileybury. I should think also that a shorter residence at the University, with due testimonials, might entitle a person to have that time counted as so much spent at Haileybury, if he completed the remainder of his education there. As to other plans, that, for instance, of having the college opened to the public as well as to those destined for India, I do not sufficiently see my way. If practicable, it would obviate objections on the score of expense to the Company, and of deficient numbers at the college. But there would be a difficulty in giving a *bonus* to those not proceeding to India, to induce them to come at all, or to compensate them for the time employed there in studies of no direct advantage to any professional line of life in England.

Another suggestion is to let all be originally military, requiring the whole to come up, before they enter the service, to some common test, equal perhaps to the present tests of qualification for civilians. It does not appear to me that persons can be expected to go to the expense of general education to such an extent, when beforehand they look forward to a cadetship only, with but a chance of selection (of a few hundreds out of several thousands of them) for civil promotion afterwards in India. It seems more practicable, so far at least as concerns an arrangement for English education, to allow all that prepare themselves for a test adapted to civilians, to come as candidates for the civil service; and to give cadetships to students who at the final examination do not prove sufficiently qualified for that test, provided they appear to be both fitted and disposed for the service in a military capacity. After all, it appears to me that it would be scarcely possible to obtain for the civil service young men qualified up to the point which has been lately fixed by civilians returned from India, by any system whatever, even of free competition. The very *elite* of England will scarcely be tempted from home even by the great advantages of the civil service of India.

1837. In the earlier part of your examination you stated that the lectures in theology had been discontinued some years before the vacancy upon which you were appointed to your present office; but that in some degree the place of such lectures was supplied by lectures on the Greek Testament, and by a preliminary examination on the Scriptures upon the admission of a student into the college; do you mean that any penalty or inconvenience to the student will arise from his ignorance, in whole or in part, of such subject forming the matter of the preliminary examination?—The preliminary examination existed before the principal gave up divinity lectures. All I meant to say regarding it was, that, together with the lectures on the Greek Testament, it secured a certain knowledge of the sacred Scriptures in the original. The penalty which attaches to a failure at the preliminary examination is that of the candidate not being admitted. With regard to the lectures on the Greek Testament, and to my own, professedly upon classical literature, but embracing religious instruction, I beg to place before the Committee some

some of the examination papers, in which the substance of these lectures is reduced to questions, for the trial of the student's proficiency at the end of the term. And I would also beg to refer to a letter from a student, now a distinguished civilian at Bombay (Mr. Money), to his father, a Director, (read by the latter in the Court of Proprietors, 27 Feb. 1824, and published in the Asiatic Journal for the April of that year, p. 384), in which, after describing the above course of instruction, he infers, that it "answers here all the purposes of theological lectures."

Jovis, 19° *die Julii*, 1832.

JAMES A. STEWART MACKENZIE, Esq. in the Chair.

The Reverend JAMES HOUGH, called in and examined.

1838. WERE you in India in the service of the East India Company?—Yes, as one of their chaplains.

1839. In what part of India did you chiefly reside?—In the south of the Carnatic, in the province of Tinnevelly.

1840. Had you many opportunities of observing the character of the native population?—Constant opportunities; my duties as the Company's chaplain employed me only on the Sabbath. My station, Palamcottah, being small, I was at liberty, in general, the whole of the week, to attend to the native population, and nearly all my time was devoted to their improvement.

1841. Have your labours ever had a missionary direction?—Entirely so; I had the institutions of the Society for Promoting Christian Knowledge, and those of the Church Missionary Society, entirely under my care in that province.

1842. From such residence and from such opportunities of observation, can you state to the Committee what is your impression of the general character of those who either are themselves converts to Christianity, or are born of Christian parents?—The question would require me to state the different churches that are established in the East-Indies, because the characters of the Christians vary according to the communities with which they are connected. The Syrian Christians appear to have been the earliest Christian church established in India: the data on which this assumption is founded are uncertain. Some authorities ascribe its origin to St. Thomas. Nicephorus relates, that that apostle visited Ceylon and the continent of India, and that he closed his labours there, after having founded a Christian church. It is also recorded, I do not at this moment remember where, that one Johannes signed his name at the Council of Nice, as Bishop of India. This, which occurred in the fourth century, is probably the earliest intimation on record of the existence of a church in India.

About the beginning of the sixth century, Cosmas Indicopleustes speaks of the Syrian church which I have mentioned, and says, that their bishops were ordained

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in Persia; whence it is inferred that they were Nestorians, as the Archbishop of Persia was at that time subject to the Patriarch of Seleucia, who was undoubtedly a Nestorian. It is not known at what period the Syrian Christians' faith was reformed, but certainly they do not now hold the tenets of that heresy. Their belief in the Holy Trinity accords with the sacred Scriptures, and the creed of the Church of England. For many years they appear to have met with great success among the Brahmins and the Nairs of Travancore, who compose the military caste, and are the nobility of that country. They were then much respected by the reigning government, and enjoyed equal immunities with the other inhabitants of the country. In the enjoyment of these advantages they seem to have been undisturbed until the Roman-catholics invaded their province, about the middle of the 16th century, and they persecuted them and destroyed many of their public records, the formularies of their church, and their Scriptures. By this means they succeeded in separating nearly one half of that body, and uniting them with their own church. The Syrian church, accordingly, in Travancore, is at present divided into two parties, the one party are called the Syrian Christians, and the other the Roman Syrians, in consequence of their being allowed to retain some of their customs and dress, but being required to conform to the principal dogmas and authority of the Romish church. As a proof of their former respectability, La Croze, whose History of Christianity in India was published in 1724, says that in his day they had 1,500 churches, and as many towns and villages within the kingdoms of Cochin and Travancore. They continued in the depressed state to which the Roman-catholic persecution reduced them, until within the last 20 years, when Lieutenant-colonel Monro, the British resident at the court of Travancore, commiserating their condition, exerted all the means at his disposal for their amelioration. In consequence of his interest in their favour, and his representation to the government of Travancore, many of their former privileges were restored to them. He found their bishops and clergy in a state of great ignorance, which is partly to be attributed to the destruction of all their books by the Roman-catholics. I limit these observations to the Syrian Christians. One of Colonel Munro's first objects was to found a college for the education of their priesthood, which was established at Cotym, a station about 25 miles east of Aleppi. In order to put this college in a state of efficiency, he invited the Church of England to co-operate with him in his designs for the improvement of the people. In compliance with this request, the Church Missionary Society sent to Travancore, in the first instance, one missionary, Mr. Norton, who was shortly after followed by three missionaries, Mr. Baily, Mr. Fenn and Mr. Baker. This college was placed under the care of the Rev. Joseph Fenn, with the entire concurrence of the metron or bishop of the Syrian church and his clergy. Mr. Fenn had the charge of this college about 10 years, and during that time educated several of their catanars or priests: when I left it there were upwards of 50 students in the college, some of whom had made great proficiency in the Latin language, the Syriac, and other branches of literature. I have three times visited this college and examined the students, and have seldom been better satisfied with the progress of the boys in an English school than I was with the progress which these Syrian youths had made. The expenses of this college were in a great measure defrayed from the produce of a grant of land,

land, I think I may say a whole island, in the back water of Travancore, which was appropriated by the Ranee of Travancore for this specific purpose. The island was not then in a sufficient state of cultivation entirely to support the institution; and the residue of the expense was defrayed by the Church Missionary Society and, I believe, local contributions.

1843. Do you know how many priests have been sent out from that college since its institution?—I do not know, but think there must have been upwards of 300. Since Mr. Fenn left the college in 1826, it has been under the care of the Rev. William Doran, a missionary of the same society, and while under his care, the number of pupils increased to 100: under his tuition, several of the students made considerable progress in the elementary branches of mathematics, besides their acquisitions in Latin and Greek and European literature. These are the latest accounts of the efficiency of the college which I have been able to collect. Another object of Colonel Monro for the improvement of the Syrian Christians, was the translation of their Scriptures into the vernacular tongue, the Malayalim, from the Syriac. This department of labour was assigned to Mr. Benjamin Baily, who in a few years succeeded in producing a translation which was acceptable to all classes. The third branch of labour was that of the school department, which was assigned to Mr. Baker, who established numerous parochial schools throughout the villages of the Syrian Christians in Travancore, and a central school for youth, preparatory to their admission to the college as students. It was the missionaries' intention to add two other grammar schools, one in the north, the other in the south of the Syrian colony, but the funds of the Church Missionary Society have not yet enabled them to carry that plan into effect. A printing press was established at Cotym at which the Scriptures, when translated by Mr. Baily, were printed, besides the different school books and elementary works for the general use of the Syrian community. The whole of these measures were carried on with the entire concurrence of both metrons of the Syrian community of Travancore, with whom I have repeatedly conversed, and found that the missionaries possessed their entire confidence. The missionaries carefully abstained from any measures that were calculated to offend the feelings and prejudices of the Syrian Christians, although many of their practices and ordinances were such that they could not think of proposing to associate them, in their present state, with the Church of England. They carried on their measures with a hope that by this diffusion of scriptural and literary knowledge, the Syrians would in time propose to reform their own customs. I was witness to the performance of Divine worship in one of the Syrian churches, according to the form of the Church of England, in the Malayalim tongue, into which our Liturgy had been translated. This was a thing unheard of before, as the Syrians have hitherto always performed their service in the Syrian tongue, which is as unintelligible to the Syrian as Latin is to the Roman-catholic community: I have seldom met with a Syrian priest who could really interpret the prayers that he was accustomed daily to read. The missionaries endeavoured to prevail upon the metrons of the Syrians to allow their catanars to preach to their people: I also have joined them in this recommendation, when the metron assured me that he had no objection to the practice; indeed, that he should be rather glad of its adoption, but that their priests were incompetent to preach. He, however, expressed his hope that some of the

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priests educated in the college at Cotym would soon be able to perform that important duty, and within the past few years that hope has been realized, several of these students having preached regular discourses to their congregations on the doctrines and precepts of Scripture.' The parochial schools were very extensive, but I cannot state much in their favour, in consequence of the want of constant superintendence, there being only one missionary to give his attention to the subject, and the schools lying wide apart. The present race of Syrians are the children of Syrian Christians. Their state of depression has been such for years past that it has been as much as they could accomplish to keep their community together, consequently they have for years past, that is, since the persecution of the Roman-catholics, been able to make very few attempts to convert their Hindoo neighbours. The whole of this information applies to those Syrians who are the descendants of the Syrian Christians.

1844. Have you had any personal opportunity of seeing the Roman-Syrian Christians?—I have had personal opportunites of seeing them, and have visited their college, the Roman-catholic college at Verapoly, near Cochin, where the Roman-Syrian catanars are educated.

1845. By whom was that college founded?—By, I believe, the Roman-catholics of Goa.

1846. At what period?—That I cannot say.

1847. With what revenues?—I believe from Goa, but I am not certain.

1848. Are you aware of the number of persons educated therein, and of the number of priests sent forth therefrom?—When I visited Verapoly there were about 50 students in the college, the greater part of whom wore the dress of the Roman-Syrian catanar: the Roman-Syrian Christians amount to between 60,000 and 70,000, which is the number of the pure Syrian Church also. I have no direct information as to the number of priests educated at Verapoly, but conclude, from the numbers of the community so nearly corresponding with the Syrian community, that the priesthood educated there must amount to the same number. The college of Verapoly, when I was there, was under the charge of an Irish bishop, Doctor Prendergast, who was educated in Spain. He was subject to the Pope of Rome, I believe.

1849. What is your estimate of the number of native Christians, first of the Syrian, and secondly of the Roman-Syrian Church?—The Syrian Christians I have estimated at about 70,000, the Roman Syrians at the same number, but the Roman-catholics in India amount to a much greater number. I limit my answer to the Syrians, and the Roman Syrians in Travancore, because there are many other classes of Roman-catholics throughout the Company's dominions.

1850. Can you state the number of them?—My best means of information are letters which the Abbé Dubois, a Jesuit missionary, published about nine years ago in London. He says, "Francis Xavier made many thousand converts about three centuries ago, but that at the present time there are not more than a third of the Christians who were to be found in India 80 years ago, and that this number diminishes every day by frequent apostacy." But the same authority describes these converts as of the lowest character; so low, that Xavier himself, at the expiration of two years, entirely disheartened by the invincible obstacles he everywhere met

met with, and the apparent impossibility of making real converts, left the country in disgust. The Abbé Dubois himself was a missionary, residing chiefly in Mysore; he laboured about 32 years in India, but acknowledged that he was equally unsuccessful. With the assistance of a native missionary, he says, "I have made in all two or three hundred converts of both sexes; of this number two-thirds were pariahs or beggars, and the rest were composed of sudras, vagrants, and outcasts of several tribes, who being without resource, turned Christians in order to form new connexions, chiefly for the purpose of marriage, or with some other interested views. Among them are to be found some also who believed themselves to be possessed by the Devil, and who turned Christians after having been assured that on their receiving baptism the unclean spirits would leave them never to return; and I will declare it, with shame and confusion, that I do not remember any one who may be said to have embraced Christianity from conviction and through quite disinterested motives. Among these new converts many apostatized and relapsed into Paganism, finding that the Christian religion did not afford them the temporal advantages they had looked for in embracing it; and I am verily ashamed that the resolution I have taken to declare the whole truth on this subject forces me to make the humiliating avowal, that those who continued Christians are the very worst among my flock."

1851. What is your observation with respect to the Roman-catholic congregations in the south of India?—I have known some Roman-catholics of respectable character and respectable attainments; but the bulk of them answer to the description which the Abbé Dubois has given.

1852. What is the number, so far as you have been able to form any estimate, of the Roman-catholics generally, throughout India?—I should, from my own observation through the southern provinces of India, estimate them at 300,000 or 400,000: most of the fishermen round the coast, and the divers for chank and pearl fisheries, are Roman-catholics.

1853. What is the estimate of the number of Protestants, whether Lutherans, or English Episcopalians, or Baptists, or members of other sects and communions? —I had occasion, about eight years ago, to calculate the number of converts made by the different Protestant missionaries in India; they then amounted, as near as I could calculate the number, to 23,000.

1854. Does your answer include the Christians described by Bishop Heber as forming the most interesting society which he had seen in India, namely, those in Tanjore and Trichinopoly; in short, the descendants of those among whom Ziegenbalg preached, and who had been supplied by a succession of Lutheran ministers from the Society for Promoting Christian Knowledge?—Yes, it does include those; but Bishop Heber visited India at a later period; my estimate was taken in 1823; but the exertions of the missionaries since then have been much more prosperous than they ever were at any former period of the labours of missionaries in south India. I have been able to obtain the increase at only one station in the south of India, Tinnevelly. In 1823 the native Christians in that province only amounted to about 4,000, they now exceed 8,000. That was the province of Tinnevelly alone. On the supposition that other stations have been equally prosperous, it will of course make the number of Christians within the provinces

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provinces named, 46,000. But it is to be remembered, that we are not to estimate the progress of Christianity in India by the numerical state of the Church. The Protestant missionaries proceed in a very cautious way before they admit any candidate to the baptismal font, subjecting them to a state of probation which few who are not sincere will submit to. I have myself had a candidate withdraw at the expiration of six weeks, unable to wear the mask any longer. These events are of frequent occurrence. If the Protestant missionaries used any temporal inducement to prevail upon the natives to embrace Christianity, or if they even received all who offered themselves for baptism, they might soon double and treble the numbers I have stated. It should be remembered, also, that the Protestant faith was introduced into the south of India very little more than a century ago, and that the missionaries continued to labour long in obscurity; they inhabited that country which was the scene of the wars between the French and the English, and the armies of Hyder and Tippoo. In addition, therefore, to all the prejudices of the natives which they had to encounter, and to their proscribing all the superstitions and idolatries of the Heathens around them, and requiring their converts to renounce every vestige of idolatry, it is rather matter of surprise that they were so successful, than that they did not succeed to a greater extent. The first Protestant missionary to India was Bartholomew Ziegenbaly, who was sent to Tranquebar by the king of Denmark, in the earlier part of the last century. Feeling the impossibility of succeeding without further means and protection than the King of Denmark could supply him with, he made a voyage to England, and was introduced to King George the First, and returned to India in a short time, countenanced by that King, and patronized by the archbishops and bishops of the Church of England: under their auspices he continued to labour with great success. Not many years after he was followed by other missionaries, chiefly Lutherans from Germany, the most distinguished of whom was Christian Frederick Schwartz, who resided at Tanjore. The body of Christians I have named, are the fruits of these and other missionaries' labours; they are scattered over India, south of Madras; their chief stations are Vepery, Tanjore, Tranquebar, Trichinopoly, Madura, Tinnevelly, Ramnad, Cuddalore; the whole of these stations I have visited, with the exception of the last. But as I have before said, the state of the reformed faith is not to be judged of by the actual number of converts, for the reasons already assigned. Instead of multiplying their converts, by receiving all that offer themselves for baptism, they examine them closely as to their motives, before they admit them; at the same time the Protestant missionaries are carefully laying a good foundation for future labours; and they have established numerous schools throughout India, north and south. In 1823, the total amount of scholars in the different schools, including the government schools in Bengal, amounted to about 50,000. I have been able to ascertain the increase of the schools of only two societies, from 1823 to 1831, at present; the schools of the Church Missionary Society have in seven years increased from 6,581 scholars, to 12,298; and those of the London Missionary Society have increased within the same period, from 4,650 to 7,800. It will be seen that the numbers have nearly doubled within the period of seven years, from which we may form some estimate of the progress of education in the East-Indies; and if the other societies have increased in the

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same proportion, the children now under education in the East-India Company's dominions must amount to very little short of 100,000. In the greater parts of these schools, Christian books are used; no schools supported by the Missionary Societies are without the Scriptures, catechisms, and other elementary books on Christianity. The effect of this general diffusion of instruction I have myself repeatedly witnessed, and can without hesitation declare that it was producing a good and a permanent effect on the minds of the people, not only of the children educated in the schools, but on the minds of their parents and their neighbours. I have known instances of whole families regarding with approbation the books which our scholars have carried home from school, especially the New Testament, and read to their families, and have had under my observation many instances of persons whose moral characters, although they have not been converted to the Christian faith, have been greatly improved. Another good effect of these schools I have found to be the bringing of the heads of different castes together in friendly intercourse. I have observed in the schools in Tinnevelly, for instance, of which I had charge, that the Brahmins educated in our schools no longer looked with a jealous eye on the natives of inferior castes. Some of them when they entered the school required to be allowed to learn their lesson apart from the boys of inferior caste. But I have invariably found, I do not know a single exception to the statement, that in a very short time they have laid aside this fancied superiority, and have mingled with their schoolfellows to learn their lessons. They soon were glad to ask of boys of inferior caste assistance in learning their lessons, and also have in their turn assisted others. One very important feature in these schools remains to be noticed: it was for many years considered impossible to prevail on the natives, the Hindoos, to allow their females to be educated. Hindoo females are regarded, it is well known, as inferior to the men, and are not allowed to associate with them on those friendly and social terms that the females of any Christian country are admitted to. A few years ago, I think about ten or eleven years, efforts were made to introduce female schools at Calcutta; for some time it was thought quite a visionary project, and one lady who went out (Miss Cooke) expressly for this purpose in 1821, was told by many persons long resident in India, that she had come to no purpose, that she could never succeed; however, she persevered, and in the schools established by her, and at other missionary stations, there were in 1823 nearly 1,200 female children; the returns last year, as well as I have been able to collect them, showed they had increased to upwards of 3,000; a sufficient proof that the native prejudices are fast declining on this subject: there is every prospect of the number of scholars increasing with greater rapidity. Besides these schools for children, the missionary societies in India have seminaries for the education of native priests, and catechists, and schoolmasters, for which they select the most promising children in their general schools. There are at present in India, I think, about 120 European ordained missionaries; about 20 country-born or half-caste ordained missionaries; about the same number native ordained missionaries and European catechists; and above 2,000 schoolmasters and readers, native and country-born, assistants to the other labourers. I have had too short a time to collect accurate information as to these numbers, and therefore speak to the best of my recollection: I think that these will be found

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found rather within than beyond the actual numbers. Several of these have been ordained by the bishops of Calcutta, who were quite satisfied as to their attainments and piety, and their general qualifications for the ministerial office. At Calcutta, it is perhaps unnecessary to remark that Bishop Middleton endowed a college upon an extensive plan for the same purpose, that is, for educating native missionaries.

1855. Have you seen any of the native catechists or native priests in the discharge of their labours?—Yes, repeatedly.

1856. And what is your estimate of their qualifications for the work in which they are engaged?—As far as my observation has extended, I have found them very well qualified indeed. I have repeatedly travelled among the native congregations in south India, in Tinnevelly, and I never travelled without a native priest or native catechist with me.

1857. Have you ever visited villages in India composed chiefly or exclusively of native Christians?—In the south of Tinnevelly I have visited, I think, all the villages that contain Christian congregations, and in the centre of that district there are two entire Christian villages, one containing, I think, 500 and the other 400 native Christians. They had their regular churches, and their native priest and catechist, and their boys' and girls' schools: these Christians were living together in a state of harmony; there was not a vestige of idolatry to be seen in either of them, not an idol to be found; they had their regular service in the church, morning and evening, daily. I have visited them frequently, and have been particularly interested when among them to see the groups of women, while the men were labouring in the field, assembled together under the shade of the Palmyra tree, spinning cotton, and singing their Lutheran hymns to the motion of their wheels. The name of the villages are, the one Mothelloor, the other Nazareth. I was much interested to observe the harmony in which these people seemed to live together; each was like an *Oasis* in the moral desert of this immense country. I was careful to ascertain the character and conduct of the people towards their heathen neighbours, and the Hindoo tehsildar of the district assured me that they were a quiet inoffensive people, and that he should rejoice if all the inhabitants around him were of the same character. I could not but regard these villages as encouraging trophies of the Christian missionaries' achievements in the East.

1858. Are you aware of the history of the native catechist, Sattainaden?—I am quite aware of his history and of his success; I have just been describing the scene of his labours. Sattainaden was a native priest, a pupil of Mr. Schwartz, and ordained by him with three other natives; he laboured chiefly in the province of Tinnevelly, where his name is still remembered with respect. Reverting to these two villages, they were a part of the mission of the Christian Knowledge Society in Tinnevelly; when I arrived in that province they had been without a missionary for ten years. I was desired by the Archdeacon of Madras to ascertain the state of Christianity within the province of Tinnevelly; and in order to obtain the necessary information, I performed my first journey, and it was then that I discovered these two villages; for they may be called discoveries, since their existence was unknown at Madras at the time I sent my information. Of these two villages I sent a particular account to the district committee of the Christian Knowledge

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Society at Madras, which account has been published in their annual report, and has been transcribed in a Memoir of Bishop Middleton, by Mr. Le Bas. Having hereby stated the progress of the Protestant faith in India, I am aware of a counter-statement which has been published, and to which I have already referred, by the Abbé Dubois; but I think the contrast may be accounted for by reverting to the means used respectively for the conversion of the Hindoos. The Abbé Dubois endeavours to account for the failure of the Roman-catholic missionaries, by assigning these three causes: he first attributes it to the Pope's interference with the Jesuits, who conformed to the customs and idolatries and superstitions of the Hindoos, in order to conciliate their minds, and to induce them to embrace the Roman-catholic faith. The Roman catholics in India, of the Capuchins and Janisarists, and other orders, protested against this conformity of the Jesuits, and applied to the Pope. The Jesuits, after repeated remonstrances from Rome, at length found it expedient to desist; but M. Dubois considers that from that time conversion has ceased, and the Roman-catholic religion has been on the decline. This is the first cause to which he assigns the declension of the Roman-catholic religion in India: the next is the wars between the English and the French. Now, although those wars must necessarily have interfered with the labours of the Christian missionary where they occurred, yet the Protestants in the Carnatic were much more exposed to them than the Roman-catholics, who, in many parts, were removed beyond their influence; whereas, notwithstanding the long wars between those two powers, the Protestant faith has gradually increased in India in the manner I have already stated. But the Abbé Dubois, probably not satisfied with these two causes, states, thirdly, as the chief cause, the Hindoos' detection of the Jesuits' imposture: he says, that the Jesuit missionaries, in order to reconcile the Hindoos to a change of their religion, pretended that they were Brahmins from a distant country, and thereby gained for these persons and their office a degree of respect that would not have been paid to Europeans; but he tells you in the letters to which I have referred, that after a time they discovered that these Jesuit missionaries were nothing more than *Fringes*, a contemptuous name which they usually gave in those days to the Europeans; and from that moment, he says, that conversion ceased, and that while circumstances continue as they are, he is firmly of opinion that they will continue to retrograde, until the Christian religion is extinct in India: this is his own published account. I think, from these causes, an impartial observer would directly say, especially from the third cause, the failure of the Roman-catholic is sufficiently accounted for; for how could we expect a body of people to place their confidence in religious teachers who set out with an imposture? On the other hand, I would account for the success of the Protestant missionaries by reverting to the simplicity of the means which they have used, and it will be found that they are precisely the means that were employed by the primitive teachers of the Christian religion; I mean the dissemination of the Word of God, the diligent preaching of that Word, and the education of youth; and the great care also which is exercised by all the Protestant missionaries with whom I am acquainted, to sustain the Christian character and Christian integrity in their congregations; and although compared with the numbers which the Roman-catholics could once give in describing their converts in south India, the Protestants in the same

same country appear to be very few, yet I am persuaded, that if the missionaries persevere in the course which they have hitherto taken, in the diligent use of the means which they have hitherto employed, nothing, with the Divine blessing on their labours, can prevent them from ultimately succeeding in diffusing the Christian religion throughout the vast continent of India.

1859. Do you consider that the number of chaplains at present in actual service, or on the lists of the East-India Company, can be sufficient for the wants of the people committed to them?—By no means.

1860. Do you consider that they are adequate to the wants of the particular stations to which they are appointed?—No, by no means, and for this reason: there are, indeed, some stations in the interior of India, where the duties of a chaplain do not employ the whole of his time, but there are larger stations, such as military cantonments, where there is duty for two, if not for three chaplains. The English community in India, when their chaplain is obliged to remove in consequence of ill health, which is frequently the case, are exposed for months, sometimes for several years, to the inconvenience of being without a resident clergyman.

1861. Do you conceive that the single bishop appointed for the service of the Church of England in the dominions of India generally, is sufficient for the labour necessarily devolving on him?—Certainly not; I think that there should be at least four bishops in India, one for each presidency, and one at Ceylon.

1862. Besides the admitted duty and policy of promoting Christianity in India, is there any particular mode for improving the character of the servants of the government, either European or native, which you could point out?—The Abbé Dubois, in the letters to which I have referred, does indeed describe the general character of the European servants of the Honourable Company in India as very low indeed, and as calculated to make a very unfavourable impression on the minds of the natives around; and he considers this as calculated to the extent of this impression to defeat the efforts of the missionary in that country. I should not now entirely subscribe to the Abbé's description, for although it might be, indeed I must confess that, to a great extent, it was correct when he first wrote his letters, yet at present there is a great improvement in the state of European society in India. Since the increase of the ecclesiastical establishment in India, it has produced a striking effect on the society of the Company's servants, both civil and military: and I have no doubt if the Company were to extend their ecclesiastical establishment, and to improve its efficiency, that this improvement in the moral state of their servants would continue to go on. I have also had frequent occasions to observe in India that the Company's servants who were the most attentive to their religious duties, were the most highly respected by the natives around them. I could name an instance on the Tinnevelly station, were not one of the parties now living, of a native who had detected an imposition on the revenue of the Company to a very great amount; he went to the junior magistrate at the station, stated that he had information of that nature to give, and that if *he* would receive it of him he would give it truly, and he undertook to lead him to the spot where these contraband goods were secreted: the junior declined taking the information without consulting his superior. The native then said, "I must beg to retire; I know you, and I know your superior; I have no doubt he is an honourable man, but I do not see him

him go to prayers; I do not see him attend the House of God, and therefore I can place no confidence in him. I know that you do; you go every Sunday to the House of God to make poojah and perform prayer, and therefore I will trust to you, and if you will engage not to divulge the information, I will state to you all I know." The junior sent the man away, promising to return an answer the next morning; he stated the circumstances generally to his superior, obtained his sanction to proceed as the man desired, and he detected the fraud to a large amount.

Now this is one instance of the respect which the natives pay to the moral and religious character among the Company's servants, and the advantages that may be expected to accrue from it to government.

There is another suggestion that I wish to offer. I think it would be of great advantage to the Company's servants, and would make a very favourable impression on the native mind, if the Company required the Sabbath to be observed, and Divine worship to be performed every Sunday at every station where there is no chaplain, by the senior servant of the station, or the person he may depute, and that it should be regularly reported both at the military and civil stations. I have had reason to know the favourable impression that the regular performance of this duty makes on the native mind.

1863. Have the British Government given any salaries to European missionaries?—Occasionally; when the European missionaries have been called in to officiate for the Europeans as chaplains, the government have remunerated them for their services, but in no other way that I am aware of. I have answered the question as to the morals of the Company's servants only in reference to the Company's European servants; but I think it of very great importance that measures should be adopted for the improvement of the Company's native servants. The British Government, I may say, are brought into collision with the mass of the population of India through the frauds practised by their native servants; it is known that in our judicial courts, in our magisterial offices, corruption and bribery prevail to a very great extent. I have myself repeatedly heard the judges and the collectors in India lament, most feelingly deplore, the existence of these practices, and they have owned the inability to detect the evil. I know no means of checking and correcting this but by establishing schools expressly for the education of the Company's native servants. At the renewal of the last Charter a sum of money was appropriated to the establishment of schools throughout the province of Bengal: I believe the plan was commenced at Chinsurah, under the care of Mr. Gordon Forbes (in 1810), at that time the commissioner of Chinsurah. Mr. Forbes employed a missionary resident there to superintend the schools under his care; they became very numerous, amounting, I believe, to 30 schools, and the native children in them amounted to about 2,000. I hold in my hand an extract of a letter to Bengal in the Judicial department, expressing the great approbation of the Court of Directors to the plans so judiciously adopted and carried into effect by Mr. Forbes at that station: it is dated 2d February 1819: "It is peculiarly satisfactory to us to observe the advancement so rapidly making in the system of education for the children of the natives in Chinsurah and its vicinity, under the prudent, rational, and conciliatory efforts of Mr. R. May, so laudably countenanced and supported by Mr. Gordon Forbes, the commissioner, and we give our sanction

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to the monthly sum which you have directed Mr. Forbes to advance to Mr. May, in furtherance of this very desirable purpose." Seeing the acknowledged advantages that have resulted from the establishment of the government schools in Bengal, I should venture to suggest the expediency and desirableness of extending the system to the other presidencies of India, and instead of requiring one of the Company's servants to give his actual superintendence, whenever the superintendence of a chaplain or a missionary can be obtained, the collector or principal Company's servant at the station should be authorized to employ him for the purpose of superintendence.

1864. Were you at Tanjore?—Yes, I was.

1865. Are you aware that at Tanjore and at Tinnevelly the Christians have been punished for refusing to drag the car of the heathen idols?—At Tinnevelly I can say that they have: I have only been at Tanjore as a visitor, and therefore cannot speak positively as to the fact at that station.

1866. Now, confining yourself to Tinnevelly for the present, at what time was that? —During the period of my residence, between 1816 and 1821; in fact, there was no distinction made between one class and the other; all that the natives could venture to compel they did compel, without regard to their religion.

1867. How was the punishment inflicted?—I believe with a cane by the peons of the place.

1868. Are you aware that at Palamcottah the converts were exonerated from direct taxation for the avowed support of the heathen worship in their own villages? —I am not aware of any such exemption.

1869. Do you know whether the practice of stealing and selling female children has prevailed to any extent in the south of India?—To a very great extent.

1870. For what purpose?—For the purpose of being brought up as dancing girls or common prostitutes, who form a part of the establishment of every Hindoo temple. One instance came under my own notice at Coimbatoor: a man and his wife were converted to the Christian faith through the preaching of a Protestant native priest from Tranquebar, in my employment. Some time after their being impressed by his preaching, and before their admission to the Christian Church, the woman came to the catechist and confessed to him, that during the famine which prevailed in the Carnatic in 1824, she had been induced to sell her child for this purpose; they came to make the confession, and, if possible, to recover their child. I made application to the person who had purchased her, offering the money which she had paid for the child, if she would restore her to her parents; but without effect. I then applied to the tehsildar, a Hindoo, to assist me in obtaining the child, but he declined interfering. I found, unwilling as I was to trouble the collector of the district, that that was my only course to pursue: I therefore applied to that gentleman (Mr. John Sullivan), who, shocked at the circumstance, immediately interposed, and required that the dancing women should give up the child whom she had so obtained, on receiving the pecuniary remuneration which she required. In this way we recovered the child.

1871. What was the age of the child?—When I recovered her she was about four years of age. The kidnapping of children is very common indeed in the south of India for this iniquitous purpose.

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1872. Do the magistrates close the courts on the Sabbath?—I am sorry to say that they do not at all the stations.

1873. Generally?—I believe generally, as far as my observation extends; I can answer the question generally, but I cannot say universally; in fact, it depends on the inclination of the individual at the head of the department.

1874. Do the revenue officers close theirs?—There also it depends very much on the inclination and sense of religious duty and propriety of the person at the head of the office. But I think if any order was issued requiring the strict observance of the Sabbath, it would be attended with a most beneficial effect. In reference to the system of schools, I would beg to offer one more suggestion; I would suggest the establishment of English schools for the education of the Company's servants in their different offices, their courts of justice and their collector's offices at every zillah. I have made the experiment at my own station, Tinnevelly, and found it attended with the most beneficial results. When I first went to Tinnevelly (I was the first chaplain appointed to that station), finding how little my official duties employed my time, I began very soon to pay attention to the natives; one of my first objects was to establish an English school for the purpose which I have stated, and a Tamul school for the natives generally; at first the establishment of a school in English for the natives was so great a novelty that I could obtain no assistance from the gentlemen on the spot. They did not interfere with me, but they wished to consider the matter before they sanctioned it. I found, however, that they had no time to enter into the consideration of the question as I thought it ought to be considered, and therefore established the school on my own responsibility. Six months had not transpired after the establishment of this English school, before the collector of the district (Mr. John Cotton,) seeing the advantages that were resulting and were likely still further to result from the school, desired to know how I was proceeding, and what was the state of our funds; I sent him an account of our disbursements, and he contributed very liberally towards the object: under his patronage I applied to the other gentlemen at the stations, and collected an amount sufficient to pay for the building of our schools and the support of our masters; and during the whole period of my residence in that part of India the gentlemen of the station contributed annually towards the support of these schools. Several of the officers in the courts at Tinnevelly were educated in our English school, and the officers so educated, were found to be much more efficient than those who had been left to pick up their education at such native schools as they could find. I made a point of introducing the Scriptures and Christian catechism and formularies into these schools, and required all the pupils, whether Brahmins or Mussulmans, or whatever were their caste, to write me daily an exercise on some part of the Scriptures, which they did, and made great progress in this way. Now, from the favourable result of my own experiment, I take on myself to recommend to the Government the establishment of a similar school at all their stations; and I should particularly urge the importance of placing these schools under the care of the resident chaplain, or of a missionary, who has more time to devote to the education of youth than any other of the Company's servants can be supposed to have. The gentleman to whom these schools are intrusted, should be required to send in his monthly

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monthly returns of their progress to the ecclesiastical authorities at his presidency, for the information of the Government. I should beg to suggest that the Christians who are found competent to fill the offices of government, should be placed on a level with the Mahomedans and the Hindoos, and admitted to all offices for which they are qualified.

1875. In your progress through the south of India, have you been along the line of coast from Bombay to Cape Comorin?—I have been from Cape Comorin to as far north as Cannanore.

1876. Between Cape Comorin and Cannanore, are there to your knowledge any British settlements possessing churches, but possessing no chaplain or minister?—Yes; at Tellicherry there was a spacious church; formerly a chaplain was appointed to that station, but he was withdrawn some time ago, eight or ten years ago; and while I was there in 1826, the British inhabitants and native Christians of Tellicherry were accustomed to assemble in the church on Sunday for Divine worship. When it was in a dilapidated state, they requested the Government to repair it; but finding that there was then no chaplain at the station, they sent orders to pull it down: being on the spot at the time, I ventured to interpose, and represented to the government at Madras the advantages of the church to the present inhabitants, and requested them to allow it to be repaired. Upon this representation, Sir Thomas Munro acceded to the request, and it was put into a state of repair, and continues there to this day; with that exception, I believe there is no English church on the coast without a chaplain.

1877. Is there a chaplain at Calicut?—I am not aware that there is.

1878. Was there a chaplain at Calicut?—Not at the time I was there.

1879. Was there a church?—No Protestant church.

1880. Was there a church at Cochin?—A Dutch church, not a Company's church. There was formerly a chaplain at Cochin; he remained there about three years, but he always used the Dutch church on the Sabbath; an English church was not built there during my residence in India.

1881. Is there an English chaplain?—No; there is an English missionary, a Mr. Ridsdale, sent out by the Church Missionary Society.

1882. Is there an English chaplain at Quilon?—I believe not at this moment; but there was when I was there.

1883. And was there a church there?—I believe that there was a church, but I never saw it.

1884. Then at present there is a church there also without a chaplain?—There is there also, to the best of my knowledge.

1885. You have stated to the Committee that you have not been further on the Malabar coast than Cannanore; from any knowledge acquired from other sources can you state to the Committee whether there be at Mangalore also a church without a chaplain?—The impression on my mind is, that there is a church there without a chaplain; but I cannot speak with certainty, and I am doubtful whether, if there be a church, it was built by the Government.

1886. Looking at the map of India, and casting your eye between Bombay and Cape Comorin, will you state to the Committee what in that line of coast, extending perhaps 600 miles, is the number of European stations, and the number of

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of chaplains or missionaries?—What am I to understand by European stations? where judges, courts and collectors are?

1887. Take it first in the technical sense of the word; where there is a revenue collector, judge, and so forth?—To the best of my knowledge there are eight stations between Bombay and Cape Comorin, exclusive of Goa, which is a Portuguese station.

1888. How many chaplains, when you were in India, were stationed along that coast?—Exclusive of Bombay, there were at one time four; four within the Madras presidency.

1889. At four out of eight, then, there were chaplains?—There was at one period of my residence; two of them were withdrawn during my residence in India.

1890. What was the number of British at Cannanore?—It was a large military cantonment; I think when I was there there were not less than 1,000 men.

1891. British born?—British soldiers and officers.

1892. What was the number of Europeans at Trevanderam?—I believe from 20 to 30 officers. There was generally an European regiment at Quilon, not far from Trevanderam, where, accounting for the detachments that were stationed in different parts, it may be estimated that there were at least 500 men; generally while I was in India there was a resident chaplain at Quilon, but at one period of my residence that chaplain was withdrawn and sent to another station, and the station was without a chaplain for a considerable time, and I do not perceive now that there is a chaplain there; but I have heard lately that the subsidiary force is withdrawn from Travancore, which probably accounts for the absence of the chaplain.

JOHN WALTER SHERER, Esquire, called in and examined.

John Walter Sherer, Esq.

1893. WERE you ever in India?—I was.

1894. Under what presidency?—Bengal.

1895. In what department of the service?—In the Company's civil service; I was Accountant-general of Bengal.

1896. How long did you reside in India?—I arrived in India in 1798, and left it finally in 1826.

1897. The latter part of your stay in India, what were you?—I was Accountant-general up to 1822; I returned for a short time, and in 1825 I was a member of the Board of Revenue.

1898. From this description of your service, the Committee would understand that your residence while in India was chiefly confined to Calcutta or its immediate neighbourhood?—Yes, it was.

1899. What number of natives, being Christians, do you believe are to be found in Calcutta and its immediate neighbourhood?—I believe there to be a great many, but the number I cannot state.

1900. Do they form a considerable proportion or a very small proportion of the population?—In 1825 I myself received communion with 14 natives, according to the rites of the Church of England. I mention this in order to show that these were real Christians, not merely nominal ones.

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1901. What has been the character of the natives, being Christians, so far as your observation extends?—Highly improved by that circumstance, and some I have known exhibiting the Christian character eminently. Abdoul Meseeh, whose baptism I witnessed in 1811, and who died I think in 1827, was an eminent Christian, and instrumental, I believe, in bringing many to a knowledge of the Saviour; he was ordained a minister of the Church of England by Bishop Heber: I was also present at his ordination.

1902. What was the civil rank of the greater part of these natives, whom as Christians you knew prior to their conversion?—Abdoul Meseeh was formerly a soldier, and afterwards practised physic as a native doctor. I have not known many persons of rank so situated.

1903. Were they generally pariahs, sudras or outcasts, or were they persons of decent condition in civil life?—Pariah is a term not often used in Bengal: they were from the Mahomedan and Hindoo general population, the native population. Except those who are in offices of government, and a few of the old families remaining, the general population is indiscriminately poor, I should say.

1904. Whatever their original civil rank and condition may have been, what has been their conduct generally, speaking of them as masses, since their conversion to Christianity?—The conduct of those I have known as Christians, I consider to have been eminently improved by their faith. I consider the character of the children who are at our different schools to be gradually rising by means of the instruction they are receiving, and that the whole tone of moral feeling is gradually rising in Bengal through the instrumentality of these schools, and the labours of missionaries, and the general progress of truth in the land.

1905. Do your observations with respect to the character of the natives, being Christians, apply generally to all congregations under the name of Christians, whether Roman-catholics, Protestants, Episcopalians, Baptists, or members of any other sect or communion?—I should say it applies only to those who have been under missionary and true Christian instruction. Until I had been eight years in India I was not led to consider the state of religion around me; much had been going on, I have no doubt, from the time of my arrival up to that period of which I knew nothing; but since the year 1807, I have been led to consider the subject, and have had opportunities of knowing the state of religion generally throughout the Bengal presidency. I mention this because many Indian witnesses, of large information and general observation, may know nothing of what is going on among real vital Christians in India, and therefore discrepancies often arise in evidence given, which perhaps arise simply from that circumstance.

1906. Have you at any time visited any native congregations, or natives being Christians, in other parts of Bengal?—In Burdwan, Serampoor, at Kidderpore, and the neighbourhood of Calcutta, I have witnessed them very often.

1907. What has been the character of such persons?—I have always regarded such congregations with great interest, and of course have taken a favourable view of them; such as I have known personally, I have always considered as manifesting sincerity, generally speaking.

1908. Do you consider the number of chaplains appointed for the service by the East-India Company is in any of their presidencies equal to the wants of the population?—

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lation?—I consider them in a very injurious degree inadequate in number. There are demands for the administration of the Church of England in every part of Bengal, which might be met, and most desirably so, I think, by an extension of chaplains.

1909. Do you conceive from your experience of the labours of English bishops in India, and from your general sense of the requirements of the Church, that the number of bishops at present is adequate to those requirements?—I should think not; more bishops than one seem necessary: but in my view, an extension of the parochial clergy is much more important than an increase in the number of bishops.

1910. Have you noticed, in those stations which you have visited, the existence of churches actually ready for ministerial labour, there being no minister appointed thereto?—At Chunar a church was built by the Church Missionary Society. I am not aware that the Government has built any churches for which there is no provision of ministers, but I know that there are many places that require churches.

1911. What provision does the Government of India make for the religious instruction of the people committed to them?—No other provision that I am aware of than the support of the established churches: they subscribe, I believe, to some of the schools, and there is a fund appropriated out of the revenues, but not for religious instruction; the committee have applied it to what they call useful knowledge.

1912. Are you aware of the appropriation practically of the lac of rupees, which by the terms of the last Act renewing the Charter of the East-India Company, is the sum to be set apart from the surplus of the territorial revenue for the improvement of the natives of India?—I believe it has been appropriated to revive some Hindoo and Mahomedan colleges, under a committee of education in Calcutta.

1913. What do you consider to be the political effect and tendency of increasing the moral standard among the people submitted to our rule in India?—In the highest degree beneficial and advisable

1914. Increasing with the moral standard the intellectual standard also?—Certainly, increasing the intellectual standard also.

1915. How far has that tendency been carried into effect by the improvements to which you have referred, as taking place within your own observation?—I may mention a circumstance which I have received in a communication from India very lately, that a large impression of Paine's works had arrived in Calcutta from America, and had been eagerly bought up by the Hindoo youths who are receiving instruction in English, irrespective of religion: the necessity, therefore, of extending the means of religious and moral instruction becomes imperious under this awakened desire of the natives for European knowledge.

1916. The object of the last two questions was rather to draw your attention to the consideration of the expediency even of separating intellectual from moral and religious instruction; how far any improvement in the political character of the people as good subjects can be expected or obtained by any improvements in their mere intellectual education, separating that from any religious instruction?—I consider that the progress of the mind, without religious instruction, is only tending to evil and mischief, and that further knowledge is greater power of doing mischief.

1917. Then,

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1917. Then, in your judgment, attempts to spread the knowledge of European science and European literature, unaccompanied with Christian knowledge, will not be productive of the benefits which have been attributed to such an extension?—I think not; but I would observe, that it appears to me that the thirst for knowledge has been excited in Bengal among the natives, and that knowledge cannot be withheld from them; this state of things renders it more necessary to supply the means of satisfying that desire safely by solid useful Christian knowledge and information.

1918. Do you consider that the insisting upon making religious education the basis of instruction in India, would give rise to jealousy on the part of the natives, so as to lead to considerable political danger?—Certainly not; the natives who are not converted to Christianity, seem to regard the progress of conversions without jealousy; but in this answer I should say, I consider the Government to be entirely distinct from missionary societies; if the Government attempted to insist on religious instruction, the effect might be different, for in my opinion the Government should be tolerant only.

1919. What is the principle on which you would desire that the Government of British India should proceed, in reference to Christianity?—My opinion is, that they should follow up the object of the Church establishment in India, extending it to receive all native Christian subjects who are anxious or willing to avail themselves of that establishment.

1920. Do you conceive any encouragement should be given by the Government to conversion, and in what way?—The Government, I think, should use every means of rendering the Church establishment in India efficient, so that it may embrace not only the whole of our European subjects who may be members of it, but be kept in a state to receive such native converts as the labours of the missionaries are preparing to become so. With regard to all missionary societies of every denomination, the Government, I think, should be purely and entirely tolerant, leaving them as quiet subjects to pursue their Christian labours in every part of India, giving no direct encouragement to any, and not assuming in the slightest degree a missionary character, but manifesting a Christian character in so far as respects its own establishment and the desire that all should benefit by it, and that every subject, native or European, might benefit by the ministration of that church, when they are prepared to do so; but not forcing, merely leaving it to the progress of things, and leaving the missionaries of every description to proceed with a perfect tolerance.

1921. Not holding out any encouragement to any native to become a Christian?—No.

1922. But not withholding, on the other hand, any aid or support from him when he has become a Christian?—Just so; and I will anticipate one remark respecting the disabilities of native Christians: I must say that the exclusion of Christians from practising in the Mahomedan and the Hindoo Courts, appears to me to have arisen from just and genuine protection on the part of the Government, and that there is no ground of reflection at all against the Government Regulations in having excluded Christians from judicial offices, or from practising in the Mahomedan and Hindoo Courts. The Regulations provide, that no person shall be appointed

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appointed moonsiff or vakeel, except he is a Mahomedan or Hindoo. If such a provision had not been made, European functionaries might have put their own European dependants, half-caste and others, into these offices, and the natives would not then have had the assurance they have had of the real desire of government that their own laws should be administered to them most purely. I consider that this disability which has now arisen, is rather the consequence of the progress of Christianity than any ground of complaint whatever against the Government or the law. A class of native Christians having arisen, and these laws appearing against them, the laws require to be modified, in order to extend the same protection of civil rights and property to native Christians as to Mahomedans, and Hindoos; nothing more nor less. I mention this, because I have heard these disabilities spoken of as if the Government was acting hostilely towards native Christians.

1923. Are you aware that, by a Regulation passed last year, the restrictions to which you refer are removed from the natives?—I was not aware of that.

1924. And that at present all the natives, whether Hindoos or Mussulmans, or Christians, are eligible to be functionaries of courts of justice in India?—I was not aware of it, and I am rejoiced to hear it. All that seems desirable in that respect is, that native Christians may have perfect toleration, and that any disability that can be shown to exist to their prejudice should be removed, if removable.

1925. As you were in the Accountant-general's department, you probably audited the revenues arising from Juggernaut, and other places of Hindoo worship? Yes.

1926. Have you also any knowledge of the revenue and the lands that were set apart by natives for charitable purposes?—It is 10 years ago since I left India and quitted that office, so that I cannot answer as to the details. I should wish to say that I consider it injurious to the natives, and inconsistent with the objects I have stated, that Government should continue to treat Juggernaut and pilgrim taxes as a purely police and revenue question. I am afraid such conduct has a tendency to uphold idolatry and superstition, and I should of course desire to see it discontinued. I must however say, from my heart, that I know no ground to complain of anything I have ever seen in the Government in regard to motive and intention as it respects the progress of religion in India: things are brought to light, and they may not have attended to them at first, but as soon as the thing is clearly before them they have acted for the best. Although we laboured so long and so strenuously on the subject of the Suttees, I must say it now appears on evidence that Government had many unconsidered difficulties to contend with.

Sir ALEXANDER JOHNSTON called in and examined.

Sir Alex. Johnston.

1927. How long were you in India, and what situations did you fill there?—I held offices under the Crown on the island of Ceylon from 1802 to 1818. I was for ten years during that period Chief Justice and President of His Majesty's Council on that island.

1928. Did you turn your attention while on Ceylon to the study of the history of India?—I devoted my attention constantly to that study while I was on Ceylon, and I made two journies by land, the one in 1807, and the other in 1816, from

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Cape Comorin to Madras and back again, for the express purpose of inquiring on the spot into the history, religion, laws and customs of the Hindoos in the southern peninsula of India.

1929. Were you acquainted while on Ceylon with the late Colonel C. Mackenzie, the Surveyor-general of all India, and with the collection which he made of materials for writing a history of India?—I was intimately acquainted with him from my earliest youth, and I was in constant communication with him all the time I was on Ceylon, from 1802 to 1818, upon subjects connected with the history of India, and of that island, and had frequent occasion to refer for information to his valuable collection of ancient inscriptions and historical documents.

1930. Be so good as to explain the circumstances which first led Colonel Mackenzie to make this collection, and those which led the Bengal government, after his death, to purchase it from his widow?—Colonel Mackenzie was a native of the island of Lewis; as a very young man he was much patronized, on account of his mathematical knowledge, by the late Lord Seaforth and my late grandfather, Francis, the fifth Lord Napier of Merchistoun. He was for some time employed by the latter, who was about to write a life of his ancestor John Napier, of Merchistoun, the inventor of logarithms, to collect for him, with a view to that life, from all the different works relative to India, an account of the knowledge which the Hindoos possessed of mathematics, and of the nature and use of logarithms. Mr. Mackenzie, after the death of Lord Napier, became very desirous of prosecuting his Oriental researches in India. Lord Seaforth, therefore, at his request, got him appointed to the engineers on the Madras establishment in 1782, and gave him letters of introduction to the late Lord Macartney, the then Governor of that presidency, and to my father, who held a high situation under his lordship at Madura, the ancient capital of the Hindoo kingdom, described by Ptolemy as the *Regio Pandionis* of the peninsula of India, and the ancient seat of the Hindoo college so celebrated throughout that peninsula from the fifth to the tenth century, for the extent and variety of the knowledge which its members had acquired in astronomy, in mathematics, and in every branch of literature. My mother, who was the daughter of Mr. Mackenzie's friend and early patron, the fifth Lord Napier, and who, in consequence of her father's death, had determined herself to execute the plan which he had formed, of writing the life of the inventor of the logarithms, resided at that time with my father at Madura, and employed the most distinguished of the Brahmins in the neighbourhood in collecting for her from every part of the peninsula the information which she required relative to the knowledge which the Hindoos had possessed in ancient times of mathematics and astronomy. Knowing that Mr. Mackenzie had been previously employed by her father in pursuing the literary inquiries in which she herself was then engaged, and wishing to have his assistance in arranging the materials which she had collected, she and my father invited him to come and live with them at Madura early in 1783, and there introduced him to all the Brahmins and other literary natives who resided at that place. Mr. Mackenzie, in consequence of the communications which he had with them, soon discovered that the most valuable materials for a history of India might be collected in different parts of the peninsula, and during his residence at Madura first formed the plan of making that collection, which afterwards became the favourite

object

object of his pursuit for 38 years of his life, and which is now the most extensive and the most valuable collection of historical documents relative to India that ever was made by any individual in Europe or in Asia. It was Colonel Mackenzie's wish, if he had survived till he had completed his collection, to return to England, and to arrange under separate heads the materials of which it was composed. In 1817, being myself about to return to England from Ceylon, I went to Madras to take leave of him previous to my departure from India. He, in consequence of the long friendship which had subsisted between us, and his belief that we should not meet again, addressed a letter to me, giving me a detailed account of all his literary labours in India, and requesting me, in case of his death, to publish it. On my arrival in England I explained to Mr. Grant, the former Chairman of the Court of Directors, the great advantage it would secure for Oriental history and literature were Colonel Mackenzie to be allowed by the Directors to come to England upon leave, in order that he might, with the assistance of the different literary characters in Europe, arrange his valuable collection of materials. Mr. Grant, with the feeling for literature and liberality which always characterized his public and private conduct, agreed, on my application, to propose to the Court of Directors to give the Colonel leave to come to England, and to remain in England upon his full pay and allowances for three years, for the purpose which I have mentioned. No steps were, however, taken by Mr. Grant, because in the mean time I received accounts of the Colonel's death in Bengal. I soon after, according to his desire, published the letter which he had written to me in 1817, and at the same time wrote to the Marquis of Hastings, the then Governor-general of India, calling his attention to the value of the Mackenzie Collection, and adding, what I knew to be the fact, that the Colonel had laid out upwards of 15,000 *l.* of his own money in making it. His Lordship, a short time afterwards, purchased the whole collection for the East-India Company from Colonel Mackenzie's widow for 10,000 *l.*, and thereby preserved for the British Government the most valuable materials which could be procured for writing an authentic history of the British empire in India.

1931. Is there any catalogue of the Mackenzie Collection?—Yes, there is a printed catalogue in 2 vols. 8vo., which Mr. Wilson, the newly-elected Professor of Sanscrit at Oxford, formed some years ago, partly from the letter which Colonel Mackenzie had written to me in 1817, and partly from a list which the Colonel's Brahmins had drawn up of his papers previous to his death.

1932. Does the Mackenzie Collection consist of such information only as illustrates the history of India, or does it also contain materials for illustrating the state of the arts, sciences and literature of India?—It contains, in addition to the materials connected with the general history of India, very extensive information relative to the state of the drama, and that of painting and sculpture in different ages amongst the Hindoos in the southern peninsula of India. A considerable part of the information upon these subjects was collected by Colonel Mackenzie, in consequence of communications which passed between him and me, from 1802 to 1817. It is known to those who have attended to the history of the southern peninsula of India, that dramatic compositions, and pictorial and sculptural representations had been used from time immemorial by the Hindoo governments in that

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that peninsula, as the most efficient medium through which they could circulate amongst the people of the country such historical, moral, and political knowledge as they conceived would give permanency to the system of government and the state of society which they were desirous of supporting. When I sent to Mr. Fox, in 1806, the plan, to which I have alluded in the Judicial Committee, for introducing a system of government throughout British India, more in conformity than the one which then prevailed, with the principles of the British Constitution, it occurred to me that measures ought, in pursuance of the ancient custom of the country, to be adopted by the Government for circulating amongst the natives of the country, by dramatic, pictorial, and sculptural representations, such historical, moral, and political knowledge as might have a tendency to make them understand the nature and benefits of a free government, and admire the examples which they might derive from the dramatic, the pictorial, and the sculptural representations, which might be executed for their use and improvement by the best British authors, and by the most distinguished British artists; and I therefore requested Colonel Mackenzie to make for me such a collection of the dramas, and such an account of the pictorial and sculptural representations in the peninsula of India, as would enable the British Government to ascertain what historical, moral, and political knowledge had been conveyed to the natives of India by this means, and what measures ought to be taken by them for circulating amongst the people, by the same means, such historical, moral, and political knowledge as might be applicable to the system of government which they might wish to introduce, and the state of society which they might wish to form.

1933. Do you think that Government can derive useful information from the Mackenzie Collection, as to the historical, moral, and political knowledge which has been circulated amongst the people of the country in different ages by the Hindoo government, through dramatic, pictorial, and sculptural representations?—I think they may.

1934. Have any works been already executed in England with the view which you have suggested?—No public works. Miss Joanna Baillie, some years ago, at my suggestion, wrote a dramatic work for India, the object of which is to check the spirit of jealousy and revenge which frequently prevails in different parts of India; and I have sent it out to India, in order to have it translated and acted in that country. Mr. Stephanoff also has, on my suggestion, made a very fine painting from a sketch which I gave him, the object of which is to commemorate the admission of the natives of the country to the right of sitting upon juries, and the abolition of the state of domestic slavery which took place on Ceylon while I was on that island, and which were the first instances that ever occurred in India of such events. An engraving has been made of this painting, and sent out to different parts of India. My relative, the late Mrs. Damer, also, on my suggestion, executed a bust of an heroic size, of the late Lord Nelson, for the King of Tanjore, and sent it out to him as a present, in order that he might place it on a building which he had erected in his country to commemorate the victories of Great Britain.

1935. Do you think that Government ought to adopt measures for procuring and sending out to India, at the public expense, works of art, with a moral and

political

political view?—I do; I think that Government ought to employ the Royal Asiatic Society of Literature in this country to make a report to it of the particular descriptions of historical, moral, and political knowledge which have hitherto been circulated by the Hindoo governments amongst the Hindoo population of the southern peninsula of India, by means of dramatic, pictorial, and sculptural representations; and also of that description of knowledge which ought now to be circulated amongst them by similar means, with a view to the system of government which is meant to be introduced, and the modification of society which is meant to be encouraged in the present times; that it ought upon the receipt of such a report to employ the ablest writers and the most distinguished artists in this country in executing public works for the great moral and political purpose which has been mentioned, and to send these works out to India and exhibit them, with such explanations as may be thought advisable, in every part of the British territories in India. Such measures would have the effect of raising the moral and political character of the natives, of affording them for their imitation the finest specimens of genius and art, and of encouraging the ablest writers and the most distinguished artists in Great Britain to devote their talents and their art to the moral and political improvement of 80 millions of their fellow subjects.

1936. Is the collection as complete as Colonel Mackenzie originally intended to make it?—By no means. The Colonel, had he survived, intended to have added to his collection a great mass of materials connected with the history of India, which are still to be found in different parts of the country, but which, if measures be not speedily adopted to collect and preserve them, will be altogether destroyed.

1937. Do you think that Parliament ought to take any measures for rendering the collection complete?—I think that Parliament ought, considering the public importance of the object, to call the attention of the Government to the subject, and to authorize it to incur such an expenditure of the public money as may be necessary to complete the collection without delay. Such conduct on the part of Parliament will show the people of India that it is anxious to obtain a thorough knowledge of the ancient and modern history of the immense empire in India, for whose interest it is constantly called upon to legislate; and will lead them to believe that those who compose the Parliament have not only the desire, but the means of becoming acquainted with the moral and political effect of their institutions, and of adapting any measures which they may introduce into India to the peculiar circumstances of the country, and to the manners and feelings of the people.

1938. What measures would you advise for rendering the collection complete?—The Brahmin who in Colonel Mackenzie's lifetime had the superintendence of all the learned natives who were employed by him in procuring materials for his collection, is still alive at Madras, is thoroughly acquainted with the plan upon which the Colonel, had he lived, intended to have carried on his researches, and is anxious to accomplish all the literary objects which his master had in view. Captain Harkness, of the Madras army, who has devoted his attention for many years to the same literary pursuits as the late Colonel Mackenzie, who is thoroughly acquainted with the history and antiquities of the southern peninsula of India, and is well qualified in every way for continuing the researches in which the Colonel was engaged at the time of his death, is now in England, and willing to afford his assistance

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assistance in every way in which he can be employed. I should therefore propose that the Government should immediately authorize the Royal Asiatic Society of Literature in England to take such steps, in communication with the Brahmin whom I have mentioned, and with Captain Harkness, as they may deem necessary to complete the Mackenzie Collection; and that the Governor-general of India, and the Governors of Bombay and Madras, be authorized to give them all the assistance which they may require for that purpose, in every part of the British territories in India.

Veneris, 27° die Julii, 1832.

JAMES A. STEWART MACKENZIE, Esq. in the Chair.

Captain HENRY HARKNESS called in and examined.

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Captain *Henry Harkness.*

1939. HAVE you been in the Madras service?—Yes, 26 years.

1940. In what districts of India did you principally serve?—In the Carnatic, in Travancore, Mysore, Candeish, and the Nizam country. I have also been stationed on the western coast.

1941. Are you not the author of a work upon the character and habits of an aboriginal race on the Nielgherry Hills?—I am.

1942. Did you inform yourself particularly of the character of the natives of India during your residence in those districts you have named?—I made it my study. It was my amusement to inform myself of their character, moral as well as intellectual.

1943. What is your opinion of the capacity of the natives generally, intellectual and moral?—I do not know in what particulars they differ from Europeans; there is a want of firmness of character about them; I do not think them in any way deficient in intellect, and the better classes of them are a moral people. I think there is an erroneous opinion prevailing about the Hindoo character; I think they are considered less moral than they really are; there are of course good and bad among them, and the bad perhaps may predominate, but I think otherwise.

1944. Do you consider there is a great difference between the Hindoo and the Mussulman, as to their moral character?—I do; I would give the preference to the Hindoo by far. I think the Hindoo is as correct in his notions of the duties of civilized life as the Christian.

1945. What is your opinion of their fitness for office and places of trust?—I do not know of any office they are not fit for, under the superintendence of Europeans. With respect to trust, if distinction is held out to them, as well as pecuniary reward, I think they are fully trustworthy.

1946. You consider distinction, as the reward of merit, would tend materially to render them fit for offices of trust?—I do.

1947. How

1947. How do you consider them affected to the English in the districts of which you speak generally?—I consider them well affected.

1948. As regards them generally, do you consider them oppressed by the existing state of the government under which they live?—I do not think they are oppressed, excepting in one respect, that they have no means of rising to any dignity or consequence in the State, or to obtain any such distinction as would particularize them among their fellow men.

1949. In general, in what way would you recommend the government of India, particularly in those districts with which you are acquainted, to improve the condition of the natives, and advance their moral and political character?—To allow them, as far as possible, to have a share in the government, by employing them in offices of respectability and trust. My view is, that respectability and honour are stronger inducements with the natives of India to correctness of conduct than simple pecuniary reward. Where they feel that they have an interest in what they are engaged, that they are not mere servants, and in no way concerned as to the result of their conduct, so long as it is not brought home to them individually, under these circumstances, I consider the natives of India in no way inferior to an European officer; but simple pecuniary reward would not, in my opinion, have so desirable an effect. I allude to the natives as they are under present circumstances. As to their education, the subject is most necessary to be attended to; there are no efficient means adopted now by the government of India generally to promote that object. I consider it a very essential one; their capacity for attainment appears to me to be no way inferior to Europeans; and perhaps I am the more competent to speak to the subject, having been secretary to the college at Fort St. George for many years. I consider them also to have a very great desire for learning, and at the presidencies there is a strong desire for the knowledge of European literature.

1950. Would you point out any way in which you would propose that education should be diffused over the country; would it be by the establishment of schools, or in what way?—I think by allowing a certain portion of the revenues to be appropriated to that purpose, not by the establishment of schools of the Government; the natives have an objection to those schools; they look upon them as charity schools, and consider it is derogatory to them to send their children there. Supposing a village to pay a certain revenue to the Government, a part of that sum might be allowed to the village, to be appropriated to the education of the community. In those communities there are always some who from age or superior degree of respectability are considered the seniors or head men of the village, and I would entrust it to them, but of course under the superintendence of superior authorities.

1951. Are there any, and what offices of trust at present to which you would not admit the natives?—I know of none of the subordinate offices in which they might not be employed. In using the word subordinate, I consider it to comprise all below that of principal collector of the revenue, and the judge of the zillah court. Supposing them to be so advanced in the improvements which the measures I have suggested would produce, then I should feel no difficulty in admitting them to the office of principal collector of the revenue, or even judge of

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of the zillah court; for my view of the future state of India does not necessarily presuppose that the powers of the situation of principal collector of the revenue and of judge of the zillah courts, are to be exactly or nearly similar to what they are at present.

1952. Do you consider it probable that in the advancement which you look to of the political condition of the natives, a beneficial change will likewise follow in their moral and religious habits?—Yes, I do; my opinion is there will be an early change in their moral and religious state; their moral state it must benefit, their religious state it cannot deteriorate; and through the advancement of their moral character I consider there will be an improvement in their religious one, but which of course must be preceded by the former.

1953. Do you consider the missionaries as likely to be instrumental, in an extensive degree, to that conversion?—There are many thousands of natives who are not Hindoos nor Mussulmans, whose children therefore willingly attend the instruction given by the missionaries, whose principal occupation at present is that of affording education to the children of the country, and to which the natives have no aversion.

1954. From your experience in India, and the course of your inquiries in different parts, have you, or have you not, seen sufficient of the state of the different settlements, with and without chaplains, to be able to state to the Committee whether there be, or be not, an adequate religious superintendence for the wants of our own people, and for the promotion of Christian knowledge amongst those at present strangers to it?—I think I have.

1955. What is the result of such opportunities as those you have enjoyed?—I think there is a deficiency of chaplains on the Establishment: I have been at many stations where Divine service was never performed for years together.

1956. Are you aware of there being any station at which Divine service has not been performed for years together by any ordained minister of the Church, in which station there is nevertheless a church or a chapel actually prepared for the reception of such minister?—I cannot say I am. I know a station where for many years the service has not been performed, but there was no church there; certain places are called stations, where only one regiment may be, or part of a regiment; I was alluding to a place where there are three or four regiments.

1957. By whom, if by any, in the absence of an ordained minister is the religious service of the Church performed to the people?—In large stations by the staff officer, in small stations by the commanding officer.

1958. In places where there is no military force of European origin, are you aware in what manner the religious service is performed to Europeans there present?—Where there is no chaplain present, no clergyman to perform the service, it is seldom there is any Divine service performed on the Sabbath; that part with respect to marriages, baptisms, and funerals, is, as I mentioned before, performed by the commanding officer or staff officer.

1959. The question referred to places where European regiments and European officers would not be?—If there is a native force there would be European officers.

1690. Are

1960. Are there places in which there being no European regiment and no regiment of native force officered by Europeans, there are, nevertheless, English functionaries sent to discharge the duties of Government, in which places there is not any provision for the religious instruction of the people so sent?—Yes, I know several.

1961. What is the number ordinarily resident of Europeans at any one such place as most immediately comes to your recollection, and name it?—I will name Madura, in the Carnatic.

1962. What is the number of Europeans sent there by the Government to do the duty of the place and what is the number of other British attracted there by other causes?—I should think the number of British sent there by the Government is five or six, but treble that number have been resident there, invalid officers, &c. &c.

1963. Making an aggregate of four or five and twenty?—Yes.

1964. Can you state to the Committee what is the aggregate revenue derived from every source by the governing power from that district in which this number of Europeans sent by the governing power, and this number of Europeans attracted there by other causes, are resident?—I cannot.

1965. What is the distance of Madura from the nearest place at which there is a regular chaplain appointed by the government?—Eighty miles, to the best of my recollection, from Trichinopoly.

1966. Have you been connected in any way with any society for the promotion of Christian knowledge, either under that title or as a missionary society, during your residence in India?—Yes, I have; I was a member of the Church Missionary Society, and one of the committee for managing the affairs of that society at Madras.

1967. In that character or in any other have you visited any congregations of native Christians?—Yes, I have frequently; I travelled with Bishop Heber, and was with him at his death, and during our progress I had opportunities of seeing many thousand native Christians assembled to receive his blessing.

1968. What is your estimate of the character of such native Christians, whether born such, or themselves converts to the Christian faith?—My opinion of their [illegible] ...urable; I think they are a moral, well-behaved people; I am [illegible] ...t to the Roman-catholics.

[illegible] ...to both classes comprehended in the [illegible] ...f Christian parents and to those [illegible] ...he other of those classes?—To [illegible] ...nverted to Christianity from [illegible]

[illegible] ...ose congregations of native [illegible] ...have been the fruit of the [illegible] ...inning of the last century [illegible]

[illegible] ...hristians as compared, [illegible] ...other country; and, [illegible] ...ident?—I know but little

little difference between them and a corresponding number of Christians in this part of the world; I do not know any other difference between them and the Hindoos that surround them, except in respect to religion; I suppose them to be much the same.

1972. Do you mean that they retain the vices of heathenism with the name of Christian?—No, I do not.

1973. Then what do you mean by saying that they are much the same as the heathen among whom they are resident?—I mean with the exception of religion.

1974. By making the exception of religion, do you, or not, mean that religion has an active and practical effect upon their hearts and lives; is their conduct different from that of the heathen around them in respect to those matters upon which religion ought to operate?—I think it is in respect to those matters in which religion is concerned.

1975. Then your answer in the first instance referred rather, it may be presumed, to the civil state of the individuals to whom you alluded, than their religious and moral character, as affected by the faith in which they were professing to live?—Quite so.

1976. In reference, however, even to their civil state, do you or do you not think that the native Christians are more or less industrious, honest, and civilized than those of their countrymen not yet possessed of the knowledge of Christianity—I think them much the same.

1977. Give any instance in which you think that their character has been improved by the profession of the Gospel; is it in their love of truth, is it in their abstinence from the grosser vices of the heathen; is it in their love of their parents and their children, in what way is it: having stated that you do not think them more industrious than the heathen, you still regard them as having derived benefit from the Christian religion?—My idea of the benefit they have derived from the change is, that they have come to the true religion from a false one.
